SENATE—*Wednesday, July 12, 1989*

(Legislative day of Tuesday, January 3, 1989)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The prayer will be offered by the guest chaplain, the Reverend David M. Cox, pastor of the Main Street United Methodist Church, Petersburg, WV.

PRAYER

The Reverend David M. Cox, pastor of the Main Street United Methodist Church, Petersburg, WV, offered the following prayer:

O God, the Great Architect of the Universe, we come humbly into Thy presence. For the privilege of living in the greatest country in the world we thank You.

We pray today for the needs of others. For those who are homeless, hungry, and especially for those who have never heard of Thy love. Bless especially those who are in this august Chamber today guiding our great Nation. May they be persons of honesty, integrity, and strength, guided by the Spirit of the all wise God. Bless those who set at peace tables, give them wisdom. Bless our President and those who have the responsibility of guiding our country.

This, our prayer we ask in Thy name and for Thy kingdom's sake. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, this morning following the time for the two leaders, there will be a period for the transaction of morning business not to extend beyond 11 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

At 11 o'clock the Senate will resume debate on S. 358, the legal immigration bill. Under the provisions of the unanimous-consent agreement now in effect, there will be 30 minutes remaining on the Helms substitute amendment with a vote on or in relation to that amendment occurring at 11:30 this morning. Other votes in relation to S. 358 are possible throughout the day.

(Mr. KOHL assumed the chair.)

THE GUEST CHAPLAIN

Mr. MITCHELL. Mr. President, I wish to thank the distinguished Rev. David Cox, who delivered the prayer today.

Would the distinguished Senator from West Virginia like a moment to address the Senate regarding the guest chaplain?

Mr. BYRD. Yes.

Mr. MITCHELL. I yield to the distinguished President pro tempore.

Mr. BYRD. Mr. President, I thank my distinguished majority leader.

THE REVEREND DAVID M. COX

Mr. BYRD. Mr. President, today I take great pride and pleasure in welcoming as our guest chaplain, the Reverend David M. Cox, pastor of the Main Street United Methodist Church in Petersburg, WV.

A native of Kentucky, the Reverend Mr. Cox is observing his 37th year in the pastoral ministry.

A World War II Navy veteran, Mr. Cox saw action off both Iwo Jima and Okinawa, was decorated for his service, and was awarded the Purple Heart.

He attended Olivet College in Kankakee, IL, for his undergraduate degree, and has further studied at the United Seminary in Dayton, OH; Gettysburg College in Pennsylvania; Vanderbilt University in Nashville; and the University of Richmond.

Mr. Cox and his wife, Irene, have two daughters and are blessed with seven wonderful grandchildren.

Among his many interests, Mr. Cox has coached Little League, Babe Ruth, and high school baseball; has taken an active interest in Scouting; has served with the American Red Cross; serves in local hospital chaplaincy in Petersburg; and is the past president of the Petersburg, WV, Ministerial Association.

Mr. President, I take this opportunity to thank my friend, the Reverend Mr. Cox for gracing our Chamber today with his prayer. I again thank the distinguished majority leader.

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time and I yield to the distinguished Republican leader.

RECOGNITION OF THE REPUBLICAN LEADER

The PRESIDING OFFICER. The Chair recognizes the Republican leader.

DESECRATION OF THE FLAG

Mr. DOLE. Let me first indicate it had been my intention and the intention of Senator DIXON to introduce today a constitutional amendment with reference to physical desecration of the flag. I have had a meeting with the majority leader and am willing to defer that until tomorrow until he has an opportunity to discuss some aspects of what we had in mind, because it seems to me if we are going to introduce the amendment we want to make certain we have committee action. It would be my intent after an introduction of the amendment to ask for second reading and then move that the committee report back an amendment at some reasonable time, otherwise this session will be history and there will be no action on this side of the aisle on a constitutional amendment. Some prefer a statutory approach, some prefer an amendment approach. But in any event we are now contacting Senator DIXON's office to indicate that we will defer introduction until tomorrow.

SOVIETS ANNOUNCE SHUT DOWN OF REACTORS

Mr. DOLE. Mr. President, last weekend a group of House Members visited a plutonium production facility in the Soviet Union. The Soviets used this visit as an opportunity to announce that the five reactors at the site would be shut down by 1991—up from the three announced by Gorbachev in May.

The Soviets—even after they close those five reactors—will have around seven production reactors left. So, these shutdowns will not change their capability to produce nuclear materials.

Then, what does this latest Soviet move mean? It is clear that the Soviets are giving a public relations push to Gorbachev's May call for a treaty banning the production of nuclear weapons materials.

A ban on the production of nuclear materials is a bad idea for many rea-

sons. At the top of the list is deterrence. Nuclear weapons are, and will be for the foreseeable future, the foundation of our deterrent.

For the United States to maintain a credible and effective deterrent it must maintain the capability to produce nuclear weapons. We should not constrain our nuclear materials production capabilities now since we cannot predict what our deterrent needs will be in the years ahead.

Moreover, a ban on the production of nuclear materials cannot be verified. Let us keep in mind that both the United States and the Soviet Union enrich uranium for military purposes other than weapons production, such as naval nuclear propulsion.

So, it seems to me that the Soviets should spend less time on headlines and more time on real arms control. This latest Soviet offer does not mean any reduction in the Soviet arsenal.

It is time to get to work on reductions in Geneva and Vienna. Mr. Gorbachev should follow President Bush's lead and focus on the arms control negotiating agenda.

Mr. President, I reserve the remainder of my time.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak for not to exceed 5 minutes each.

The Chair recognizes Senator BIDEN.

Mr. BIDEN. I thank the Chair.

BURNING OF THE FLAG

Mr. BIDEN. Mr. President, I, too, had intention today to reintroduce a bill that the Senate has already passed making the burning of the flag illegal, and the purpose of my intention to reintroduce this bill, quite frankly, was to follow up on a suggestion that had been offered at the time we attached it as an amendment to the child care bill, a suggestion made by the distinguished Republican leader which is that we should have it as a freestanding bill so that it does not get bogged down with what will likely be an extended debate, both in the House and then in conference, on the child care bill.

So I was going to do that this morning. But in light of the fact that the distinguished Republican leader is withholding introduction of his amendment until tomorrow, an amendment I might add that is not inconsistent with the bill—they are not necessarily inconsistent at all—I will withhold until tomorrow.

But let me just say to my distinguished Republican leader that it is the Chair's intention, chairman of the Judiciary Committee. I was also intending this morning to announce hearings and hearing dates for hearings on the constitutional amendments that have already been introduced, there having been three constitutional amendments that have already been introduced and referred to my committee. It is the chairman's intention, it is my intention, to hold hearings to set specific dates and hopefully report back to the Senate a bill, a constitutional amendment, with or without votes—I assume there will be the votes—to the Senate sometime in mid-September or early September.

So I want to assure the Republican leader that as chairman of the committee I have every intention of holding hearings on the constitutional amendment. I think it is important we do that. I think it is important we do that quickly, and I think, as the Republican leader believes and I also believe, that we should do it thoroughly because amending the Constitution is not a trifling undertaking.

So I will withhold introducing my bill until tomorrow, and just once again reiterate two points: First, the introduction of the bill is not for the purpose of in any way providing an only alternative to a constitutional amendment. There are those who will not like the bill. I hope not many. There are those who will not like the amendment, and there are those who will like both. It is not at all inconsistent to be for both.

My intention is to move quickly and rapidly to make it constitutionally permissible for States and the Federal Government to pass a law saying you cannot burn the flag. I think that could be done. I think I have a bill that will in fact do that. We have already passed such a bill but it is attached to a complicated piece of legislation. That is the first point.

The second and last point, and I will yield back time, is that the Judiciary Committee will begin shortly hearings on the constitutional amendments that have been introduced, and will come back to the Senate sometime in September with an opportunity for the Senate to speak its will on the issue of constitutional amendment to the Constitution as it relates to the desecration of the flag.

I thank the Republican leader. I am anxious to cooperate with him on this matter.

I yield the floor.

Mr. DOLE. Will the Senator yield?

Mr. BIDEN. Yes.

Mr. DOLE. It may be that we can resolve any problem based on what the Senator has said. I think mid-September is an appropriate date. As I recall September 13 and 14 was the shelling of Fort McHenry and the "Star-Spangled Banner" was written at that time. It might be a good time to have it reported to the Senate floor. It is the date we had in mind, in any event.

I will be happy to visit, and I am certain Senator DIXON would, with the distinguished Senator later on in the day sometime.

Mr. BIDEN. If the Senator will allow me, I have gone through the calendar. We get back, I guess, the week before that. I suspect we will need—I am delighted to sit down with the Republican leader on this matter—two to three hearings total because of the number of amendments that have been introduced. The dates that seem to be available were Wednesday—I do not have a calendar in front of me—Wednesday, the 13th, and Thursday, the 14th, as the last two hearing dates on this. I cannot figure how we can get two hearing dates in before that. But it is possible.

The point is I am anxious to cooperate, and as the Republican leader knows, the Senator from South Carolina, the ranking member of the committee, also has an amendment. And I hope and I know—we will in fact have an opportunity to hear witnesses on the Senator's amendment.

But I guess the only point I want to make is I think we can easily and amicably work out the hearing dates as well as the reporting dates, and it is the Chair's intention to report out an amendment. It is not the Chair's intention to have an amendment go to the committee, and get lost somewhere in the subcommittee. My intention is, for example, not even to have it held in the subcommittee, but to have it held in the full committee. But I am sure we can work it all out.

Mr. DOLE. I thank the Senator.

Mr. BIDEN. I yield the floor.

Mr. CRANSTON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from California.

IMMIGRATION ACT OF 1989

Mr. CRANSTON. Mr. President, today we are taking up very important legislation which will dramatically impact the lives of hundreds of thousands of individuals. As we all know, we are a country of immigrants, and for the last 24 years our immigration laws have given priority to the reunification of families in this country. This is as it should be. This is consistent with our traditional American values.

I believe that the provision in this legislation which will—for the first time—impose a cap on family sponsored immigration is an unwise departure from our tradition. This legislation will establish the precedent that under such a cap visas granted to the immediate relatives of U.S. citizens would be counted against the visas which would be available to other

family connected immigrants. I cannot support this precedent. Therefore, I cannot support this legislation.

Mr. President, California is home to more Asians and Hispanics than any other State in the country. No single issue nor piece of legislation has raised its concern as much as this legislation we are voting on today. It likewise raises the concerns of all of us who are concerned with these family values. Although the sponsors of this bill argue that this legislation will benefit those who rely on family preference visas to be reunited with their family members, the message I have received from these individuals is that they would prefer to see no reform legislation at all rather than see reforms which would include placing a cap on family sponsored immigration. I, personally, think we should pay attention to this message.

There is no question that this legislation contains other positive reforms to our immigration system which would benefit the country. However, I would like to point out that we need not break with the traditional priority given to family reunification efforts in order to achieve these reforms.

I was an original cosponsor of the legislation introduced by Senator SIMON, S. 448, and I still strongly believe that that legislation represented a much more balanced approach to legal immigration reform. In fact I would like to commend my good friend from Illinois for his efforts to see that a number of the profamily provisions contained in S. 448 were included in the compromise version of S. 358. S. 448—like H.R. 672 currently before the House Subcommittee on Immigration, Refugees, and International Law—would not have imposed a cap on family sponsored immigration. It is my hope that the legislation finally enacted into law will not contain this cap.

I expect that the supporters of this legislation will argue that the cap is a very minor provision when compared with the other reforms contained in this bill. I disagree.

It is true, Mr. President, that this legislation increases the number of visas which will be available for family sponsored immigration. Thus, Asian and Hispanic family reunification efforts theoretically could be benefited by this legislation. However, this possible benefit is undermined by the fact that this legislation will also place family reunification visas under a cap under which immediate relatives will be pitted against other relatives. On one hand we would be increasing the number of visas available for family reunification, while on the other we would be establishing a system that could drastically curtail the availability of these visas as the demand for visas for immediate relatives increases. This simply does not make sense.

Moreover, I do not think anyone would argue with the fact that the family social structure within our immigrant communities enhances the positive contributions which these communities make to our country.

The select committee noted, "The reunification of families serves the national interest not only through the humaneness of the policy itself, but also through the promotion of the public order and well-being of the Nation. Psychologically and socially, the reunion of family members with their close relatives promotes the health and welfare of the United States."

I do not believe, Mr. President, that we should depart from the traditional priority which has been given to family reunification under our immigration laws by placing family reunification visas under a cap. I will vote no on final passage for these reasons, and I urge my colleagues to do the same.

Let me say also this about the pending amendment offered by Senator HELMS. Unfortunately, I cannot be on the floor to participate when that is further discussed, but I would like to say the following: I oppose the amendment being offered by the Senator from North Carolina, and I strongly urge my colleagues to oppose it, also.

This amendment, which would restrict the eligibility for fifth preference visas to never married brothers and sisters of U.S. citizens, is inconsistent with the recommendations of the Select Commission on Immigration and Refugee Policy which this legislation seeks to implement. That Commission recommended that the fifth preference be retained.

What this amendment would do is force the brothers and sisters of U.S. citizens to choose between marriage and being reunited with their family members here in the United States. The argument that this should not cause us concern because these are mere sibling relationships ignores the cultural tradition in those countries—primarily Hispanic and Asian—where these visas are most used. For these immigrants, sibling relationships are as important as those relationships in a so-called nuclear family.

Supporters of this amendment argue that family reunification for these individuals is "illusory" because they have to wait years and years before obtaining a fifth preference visa due to the large backlogs of applications for certain countries. The fact of the matter is that these individuals are willing to wait. Given their willingness to be patient, we should not now take steps to restrict eligibility for these visas.

The Select Commission recognized that family reunification serves the national interest. The final report of the Select Commission explained, "The reunification of families serves the national interest not only through the humaneness of the policy itself, but also through the promotion of the public order and well-being of the Nation. Psychologically and socially, the reunion of family members with their close relatives promotes the health and welfare of the United States."

California has a larger Asian and Hispanic population than any other State in the country. Those who are most affected by this legislation have made it clear that they would prefer to see no reform at all rather than see a reform measure enacted into law which will destroy all hope of ever being reunited with their families.

EXTENSION OF MORNING BUSINESS

Mr. GORE. Mr. President, I ask unanimous consent to extend the time for morning business long enough to accommodate the three or four Senators who wish to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana.

GLOBAL WARMING

Mr. BAUCUS. Mr. President, some weeks ago the majority leader, Senator MITCHELL, appointed a task force on global warming, and I was privileged to be appointed chairman of that committee. Several of us this morning would like to address the subject which we are charged with; that is, what we can do in the Congress to address the warming of the globe's atmosphere.

The Chinese character, Mr. President, for crises is really two different characters. One is the character of danger. The other is the character of opportunity. Mr. President, I would like to discuss the danger of global warming and the opportunities we have to stop it from happening.

It is difficult for Americans to believe that our actions and those of others are dramatically affecting the Earth's atmosphere. We like to think that the globe is so big, that the atmosphere is so large, that human action is by and large inconsequential. Even though some of our cities have ozone problems and some of our cities have lower elevation and pollution problems, we generally believe that human action does not dramatically affect the Earth's atmosphere.

Mr. President, the data is to the contrary. Almost all data shows that the atmosphere and the Earth is in fact warming at an alarming rate. Over the last century the Earth has warmed at least three-tenths of a degree Celsius. Experts predict it can warm another 2

to 4 degrees Celsius. That might not sound like very much, but in fact, in the course of history, that is dramatic. The climatic change since the last age was only 5 degrees Celsius.

An increase of 2 to 4 degrees Celsius is dramatic. The consequences of such an increase could be even greater in higher latitudes, in the northern United States and Canada, more in temperate areas than in equatorial. Tropical forests will be forced to migrate north. Temperate-zone forests will be forced to migrate lower. Perhaps those forests will be able to adapt.

Many scientists feel they will not be able to adapt. The changes will occur too quickly. What are the implications? One is massive uncertainty. We just do not know what lies ahead with climatic temperature changes at such a fast rate.

But we do know the Earth's increase in greenhouse gases is accumulating. We do not yet see the consequences of it. We cannot yet feel it even though it has been accumulating for many years. It is not visible like air and water pollution. We cannot see it. Therefore, we have to be doubly careful about how we address global warming.

Moreover, it may be irreversible and difficult to clean it up. It may be difficult to cool the Earth down—probably more difficult than it is to clean up other pollution, like Lake Erie.

This is a global phenomenon that we Americans and others can address. Obviously, it takes the cooperative effort of all people in all parts of the world. Who is the major culprit? Today the major culprit is the United States. We produce, Mr. President, about 20 percent to 25 percent of the carbon dioxide emissions. Carbon dioxide accounts for half of the warming problem; methane accounts for 20 percent, and chlorofluorocarbons account for about 15 to 18 percent of global warming gases. In the future, emerging countries are going to be culprits. They will have a dramatic increase in population and will become more industrialized.

And while the United States is today's culprit we can be tomorrow's saviors. We can work with other countries to develop technologies to address global warming problems not only in our own country, but we can help emerging countries cut back on their emissions of global warming gases. The answer is efficiency. We Americans and other people in the world must become more efficient.

Mr. President, as a consequence of these and other actions, and particularly the yeoman effort and leadership of Senator GORE from Tennessee and Senator WIRTH from Colorado, and many others, we are today sending a letter to the President urging him at the Paris economic summit to include an agreement among participating countries that the United States join those countries in completing an international convention on the global climate change by the year 1992.

We have, Mr. President, focused much attention on CFC reduction which is a greenhouse gas. It is important to move beyond CFC's, to move to carbon dioxide, methane, and other greenhouse gases. We hope that the President will take advantage of the leadership role of the United States to address this issue at the economic summit.

Mr. President, I ask unanimous consent that the letter to the President on global warming be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, July 12, 1989.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: As the largest producer of greenhouse gases in the world, the United States must take a strong leadership position in combating global warming. Scientific studies have analyzed the consequences of past and projected increases in the emissions of gases to the atmosphere. These studies, conducted around the world, suggest we are entering a foreboding era of rapid climate change—including temperature levels not experienced by this planet in tens of millions of years.

Recent disruptions here and abroad—including severe drought, crop failures and damaging storms—have underscored our great sensitivity to the weather, our dependence upon normal conditions and our vulnerability to extreme events. Over the next several decades and beyond, a period of rapid climate changes may increase the frequency and magnitude of these disruptions, while ushering in yet additional problems such as quickly rising sea levels. The danger is clear and present. The time for action is now, while we still enjoy the luxury of relatively favorable and stable conditions.

We are encouraged by the news that other world leaders will make the global environment a major agenda item at the Paris economic summit. This is a critical opportunity to demonstrate to the world that the United States will play a leadership role in addressing global warming. With your assistance and initiative, Mr. President, the U.S. in concert with other nations must embark on the path to control emissions and ultimately to stabilize the concentration of manmade greenhouse gases at safe levels to protect human welfare and to sustain the natural life of the planet.

As the key industrialized nations gather in Paris this week, we urge that you call for the following steps:

(1) The establishment of a date for the completion of an international convention on climate change and protocol on carbon dioxide emissions. The United States should take the position that a framework convention should be signed by 1992.

(2) The adoption of initial steps, unilaterally and in concert with other industrialized nations to reduce—from 1988 levels—CO_2 and other greenhouse gas emissions while negotiations on a global convention proceed. It is also incumbent upon the industrialized nations to facilitate the transfer of technologies to Third World nations which could mitigate greenhouse gas emissions.

(3) Support of a major international effort to halt tropical deforestation and increase the rate of global reforestation, and a commitment that the U.S. will undertake a major reforestation initiative.

(4) An immediate worldwide effort to improve our knowledge and monitoring of global environmental change—on earth and from space—through national and international research already underway, and new long-term programs of interdisciplinary, international research. Monitoring global change will require the sustained coordination of all nations.

We urge you to submit your own domestic proposals on these initiatives at the earliest possible date and we would be happy to work with you towards their implementation.

Sincerely,

George J. Mitchell, Quentin N. Burdick, Timothy E. Wirth, Dale Bumpers, Max Baucus, Albert Gore, Jr., Brock Adams, Alan Cranston, John Glenn, Ernest F. Hollings, John F. Kerry, Patrick J. Leahy, Barbara A. Mikulski, Harry Reid, Thomas A. Daschle, Wyche Fowler, Jr., J. Bennett Johnston, Frank R. Lautenberg, Joseph I. Lieberman, Claiborne Pell, Edward M. Kennedy, Joseph R. Biden, Jr., Bill Bradley, Carl Levin, Dennis DeConcini, Herb Kohl, and Christopher J. Dodd.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. GORE. Thank you very much, Mr. President.

Environmental history will be made later this week when the leaders of the industrialized world meet in Paris. For the first time, environmental issues will be on the agenda of an economic summit. For the first time, there will be a solid opportunity in this forum to build strong international consensus on the urgent need to protect the global environment and on the policies that will offer that protection. It is a rare and fragile opportunity that cannot be lost. It is a chance for our President to lead, courageously and creatively, with a clear vision of the future.

This is the time for specific proposals and bold diplomacy. President Bush must offer both. It is neither unreasonable nor unrealistic for us to expect our President to serve as a catalyst for the emergence of a new era of global environmental cooperation and activism.

We have seen that new awareness and new activism on the part of leaders of other industrialized nations around the world.

Around the world, the leaders of the industrialized nations are recognizing that we are in a brand new relationship with our planet. Unfortunately, to date, it seems to be taking President Bush far longer to reach the same conclusions. We are waiting for issues such as global warming and ozone depletion to attract his full attention.

The blinders of short-term politics make them sometimes easy to miss.

The danger is clear and present. The problems with global warming, with the destruction of the stratospheric ozone layer, with the deforestation of the Earth, with the disappearance of living species, with the pollution of our air, our water, our ground water, and our land make action absolutely imperative. In addition, the world is adding in population the equivalent of one China every 10 years.

These issues demand that we look beyond today and beyond the next election. Consider what is already apparent: while the pattern of our politics remains static, the pattern of our world's environment is changing and those changes are enormous.

The Earth's forests are being destroyed at the rate of one football field's worth every second, one Tennessee's worth every year.

An enormous hole is opening in the ozone layer, reducing the Earth's ability to protect life from deadly ultraviolet radiation.

Living species are dying at such an unprecedented rate that more than half may disappear within our lifetimes.

Chemical wastes, in growing volumes, seep downward to poison ground water and upward to destroy the atmosphere's delicate balance.

Huge quantities of carbon dioxide, methane, and chlorofluorocarbons dumped in the atmosphere have trapped heat and raised global temperatures.

Every day, 37,000 children under age 5 die of starvation or preventable diseases made worse by failures of crops and politics.

There are three reasons why these changes are taking place. First, it took 1 million years for the world's population to reach 2 million, but in the last 40 years that number has doubled and in the next 40 years, it could double again. We are adding one China's worth of people every 10 years. Second, the scientific, industrial, and technological revolutions have magnified the impact of these increases. And, third, we tolerate self-destructive behavior and environmental vandalism on a global scale.

Mr. President, the environmental crisis we face today should be seen as a matter of national security. Moreover, issues such as the greenhouse effect and ozone depletion must be considered as strategic national security issues. They transcend our boundaries. They affect the future and the fate of every nation on the planet. They demand cooperation among nations and an international willingness to restore what I have called our ecolibrium. I have proposed a strategic environment initiative—the environmental equivalent of the strategic defense initiative in terms of our ability to focus resources and research and purpose—to address these global environmental issues.

The opportunity exists at this economic summit to begin crafting the policies that will address these issues and the threat we face; to focus attention on global warming and stratospheric ozone depletion, species loss, deforestation, ocean pollution, acid rain, and air, water, and ground water pollution. It is time for straight talk and forward-looking proposals.

Our policy goals must be clear and include:

A ban, within 5 years, on the most dangerous ozone-depleting chemicals;

Rapid and dramatic reductions in carbon dioxide emissions and increases in fuel efficiency standards;

A halt to the destruction of the world's forests and quick implementation of reforestation programs;

Policies confronting the needs of the Third World—in agriculture, in development, in international debt.

Mr. President, this summit should be historic not only for what is on the agenda, but for what that agenda will produce. President Bush should go to Paris strongly committed to advancing global environmental issues with a specific plan, not just rhetoric, and he should try to return from that summit meeting not only with a consensus recognizing the urgency of these issues but also with an agreement that will address them effectively.

We say in our letter today, which was earlier referred to by Senator BAUCUS: "The danger is clear and present. The time for action is now." The agreements we seek are outlined in that letter:

First, the establishment of a specific date certain for the completion of an international convention on climate change and a protocol on carbon dioxide emissions. The convention should be signed by 1992.

Second, the adoption of initial steps, unilaterally and with other industrialized nations, to reduce from 1988 levels, CO_2 and other greenhouse gas emissions while negotiations on a global convention proceed. It is also incumbent upon the industrialized nations to facilitate the transfer to Third World nations the technologies which could mitigate greenhouse gas emissions.

Third, an international effort to halt tropical deforestation and increase the rate of global reforestation, and a commitment that the United States will begin a major reforestation initiative on our own.

Fourth, an immediate worldwide effort to improve our knowledge and monitoring of global environmental change—on Earth and from space—through national and international research already underway, and new long-term programs of interdisciplinary, international research.

These goals are within our reach. This summit presents historic opportunities to move dramatically to confront the crisis before us. It is unprecedented in its scope and magnitude. It is my strongest hope that President Bush recognize this opportunity and move with conviction to address these problems as the American people want to see them addressed.

The PRESIDING OFFICER (Mr. FOWLER). The time of the Senator has expired.

The Senator from Colorado [Mr. WIRTH].

Mr. WIRTH. Thank you, Mr. President.

Mr. President, I am delighted to join my colleagues, Senator BAUCUS and Senator GORE, in, once again, advocating the greatest urgency and attention by the President of the United States to the question of U.S. leadership on the issue of global warming.

No issue has overtaken policymakers more rapidly than this. No single issue has caught up with us more quickly. No single issue has greater ramifications not only for every individual in the United States but all residents of the globe, and no issue cries out for leadership by the United States more than this one.

Recent events in the European Community have demonstrated that global environmental issues are at the forefront of international diplomacy. So-called green candidates scored large victories in recent Western European elections, comprehensive environmental plans have been developed and environmental consciousness has soared among the European populace.

And as has been suggested on the floor this morning, these issues will dominate the agenda of the upcoming economic summit in Paris. Unfortunately, in advance of the summit meeting, the news media have concentrated on more traditional economic issues such as international debt. As important as these issues are, I believe the media have overlooked the story that will come out of this summit during the days ahead.

All of us in our adult lifetimes have probably found our world view dominated by our relationship with the Soviet Union, by the confrontation between the two superpowers. Most indications are that that relationship is changing dramatically and that the confrontation is rapidly being replaced by our own confrontation with the planet. We are assaulting the planet through what we are doing to change our environment, whether that is clean air, dirty water, pesticide use, the hole in the ozone, or the biggest issue of them all, global warming.

It is absolutely imperative that the President understand the urgency of these matters and that the President move expeditiously to address them. I

think that he will find very broad bipartisan, broad geographic support in the U.S. Congress for these efforts.

Commendably, the President has organized a workshop this fall on the legal issues that must be addressed in developing a global agreement. That is a first step and we appreciate that.

But the President should push much farther. Senator BAUCUS and Senator GORE both outlined a number of the steps in the letter which we are sending to the President, pushing for a conclusion of a framework global climate convention by 1992, and setting targets for the industrialized nations to reduce greenhouse gas emissions.

I have introduced a very broad and ambitious piece of legislation calling for a 20-percent carbon dioxide reduction from today's emission levels for the year 2000. That is reflected in our letter as a thoughtful, rational, and achievable goal.

Third, we asked the President to take on the issue of global deforestation. We have seen the devastation of our rain forests around the world, from Malaysia and Indonesia, the Southern Philippines, Thailand, and across Africa and perhaps the greatest wealth of rain forests of them all in Brazil and the Amazon.

This extraordinary resource—the tropical rain forests—is being torn down in what some have called the most extraordinary act of anti-intellectualism since the destruction of the great library in Alexandria. We are burning down a resource as wealthy in treasures as the library of Alexandria every day by destroying tropical forests around the globe.

Last, we are asking the President to push for an expanded and accelerated program of international research on global environmental change.

Finally, I would add that it is absolutely imperative that the President of the United States and the United States recommit ourselves once again to the issue of population control.

When we were born, there were approximately 2 billion people on this globe. Now there are more than 5 billion people, and as Senator GORE pointed out, we are adding a China every 10 years.

By the time that we pass from the face of the Earth, assuming politics does not get us earlier, there are going to be closer to 10 billion people on the face of the globe. We simply cannot sustain a standard of living, we simply cannot sustain the kind of expectations that people all over the globe have if we have these continually escalating population trends, and it is imperative that we address ourselves once more to this acute, pressing, and absolutely critical issue of population control.

We write the President in a great spirit of cooperation. We urge the President to join with us in recommitting the United States and recommitting our institutions of government to leading the world in global environmental protection.

Our leadership is absolutely imperative. The President of the United States will find a vast reservoir of good will in the Congress and across the country. No single issue is moving more rapidly than this one. No single issue cries out more for leadership from the White House.

As a final note, Mr. President, I would add that we are acting in very good will on all of this. We worked closely with the President on his clean air proposal. The proposal that was described at the White House a month ago was a good proposal. It included a variety of elements and a lot of ideas that had come from a diverse group of people and was a major step forward. We want to continue to work with the administration.

We do not want to see any backsliding. I hope that the report in this morning's Washington Post about backsliding on the clean air bill was not accurate. That report pointed out that in three major areas there has been significant backsliding. First, it was reported that on the nitrogen oxide, or NO_x standard in the Clean Air Act, the President's bill would have no reduction of NO_x. Second on sulphur dioxide, that there would be effectively a real watering down of that; and, third, in terms of toxic air pollution, that there would be very little strengthening of current provisions.

We cannot have any backsliding on these issues. That is the first and most important environmental legislation we are going to be facing before we go on to the broader issue of global warming.

I thank you very much, Mr. President, and I thank my colleagues. I hope all of our colleagues will join us in urging the President to assume the mantle of very strong leadership.

I yield the floor.

Mr. LEAHY. Mr. President, one thing we have learned about environmental issues in the past decade is that local concerns often have a profound impact on a regional and global basis.

Global warming, of course, is one of these issues.

Global warming is as local and personal as the sugar bush, the maple tree, that is in my own front yard in my tree farm in Vermont. Scientists testifying before the Agriculture Committee told me that if the concentration of carbon dioxide in the atmosphere doubles, maple trees may no longer grow in the United States. Some predict this may happen by the year 2030—that's just 41 years from now, well within the lives of my children.

Global warming also has profound worldwide implications. These same scientists warned that a 4-degree rise in average temperature could cut rice production in half. Because rice is the staff of life for 70 percent of the world's population, global warming could devastate the world's food supply and result in widespread hunger and famine.

Other crops could be affected too. Dramatic warming would probably decrease average yields of wheat, corn, and soybeans. Major changes in the southeast United States could turn substantial woodlands into grasslands.

Because of the seriousness of this problem, I will soon be introducing comprehensive legislation addressing global warming as it relates to agriculture and forestry. The bill, the "Global Climate Change Prevention Act of 1989," will have three basic components:

First. Agriculture must help prevent global warming: A major cause of global warming is increased carbon dioxide in our atmosphere from automobiles and powerplants. Trees and plants can absorb carbon dioxide but the projected, dramatic increase in emissions threatens to overwhelm the natural balance. My bill will provide for massive reforestation of at least 3 million acres of trees—enough to fill the entire State of Connecticut. The bill will also contain incentives for cities to plant more trees in urban areas.

Second. Agriculture must not be a victim of global warming: We still do not know enough about the impact of global warming on agriculture and forestry. My bill will direct the Department of Agriculture to take an active role in predicting the effect of global warming on our food supply and forests. This bill would also seek ways to ensure that agriculture not only survives in a warmer world, but continues to provide the quality of food that we and the rest of the world need.

Third. The United States is part of a global environment: Global warming is not limited to Vermont or the northeast part of our country. It stretches beyond our Nation's borders. Carbon dioxide emissions from other countries can affect our climate just as our emissions can effect theirs. My bill mandates that we focus our foreign assistance in the areas of tropical deforestation and energy efficiency to minimize, not aggravate, global warming.

These actions are just one part of my legislative package addressing global warming. S. 333, the Global Environmental Protection Act which I introduced, is a comprehensive plan to reduce hazards that cause global warming and ozone destruction. It sets a tough phaseout schedule of chlorofluorocarbons [CFCs].

President Bush has placed environmental concerns high on the agenda of the meeting of G-7 industrialized nations meeting in Paris this week. I applaud his leadership in this area. I have joined with Senator BAUCUS and others in a letter to the President urging him to call for prompt action, including a firm timetable for an international convention of climate change, unilateral reductions of carbon dioxide emissions, a halt to tropical deforestation and support for a major U.S. tree-planting program.

Sometimes the most profound issues are both local and global. Global warming is such an issue. Its potential impact is devastating and broad ranging, from the maple trees in Vermonters' front yards to famine in the Third World. It is a problem we can no longer wait to address.

GREENHOUSE EMISSIONS

Mr. LIEBERMAN. Mr. President, I join with my colleagues, Senators BAUCUS and GORE, in calling on President Bush to demonstrate to the world at the Paris economic summit that the United States is prepared to play a leadership role in addressing global warming and to commit now to a program that will reduce carbon dioxide emissions and emissions of other greenhouse gases at the earliest possible date. We urge that an international convention on climate change and protocol on carbon dioxide emissions be in place by 1992. Simultaneously, however, it is critical that the United States and other industrial nations take immediate steps to reduce greenhouse emissions.

I want to make two points about the nature of the global environmental problems we now face. First, historians have observed that, after the Second World War, the Allies organized the world around the concept of containment, focused on controlling military threats largely through alliances. And that system has worked. But, as Jessica Tuchman Matthews of the World Resources Institute has pointed out, this concept and system is a "poor fit" with environmental issues with worldwide implications—global warming, climate change, acid rain—which mandate a diplomacy of international cooperation. Rather than containing and fencing off our problems, we are now confronted with the need to find mechanisms to create actual cooperation and solutions—an even more difficult diplomatic task. So, it is important that the President, at the Paris summit, begin to use the G-7—the world's economic powers—to confront the environmental problems that also threaten our national security.

Second, I want to point out just how new these global environmental problems are. Until very recently, we responded to the environment but could not affect it. Only 10 generations ago—three lifetimes—the industrial revolution gave us the machines and technology that forever changed the way we relate to our environment. In the vast history of our planet, this time period is only an instant. But, in it, we changed not only the way we relate to the environment but we began to change the environment itself. In a handful of generations, our scientists are now telling us, we have unleashed a potentially lethal mix of pollutants into our atmosphere which will threaten us for generations to come.

The speed with which we have affected our fragile climate is frightening. Nothing in our history provides us precedents to deal with this threat. What is called for is new and farsighted leadership and a large dose of courage. It is peculiarly appropriate that these climate change issues will be brought up at the G-7 meeting, since this is the group of nations that, in their efforts to pioneer a new industrial economy, first created the problem.

As our letter to President Bush states, the danger posed by global warming is clear and present, and the time for action is now.

A recent study by the Centers for Disease Control of the U.S. Public Health Service reached the same conclusion, recommending that the Government implement policies by the year 2000 to head off adverse public consequences from global warming.

The final point I want to make is about this public health issue. We have become accustomed to the parade of horrors that climatic change may bring about: storms, droughts, and rising ocean levels. Now the Public Health Service is alerting us to something more obvious, more pervasive, and, in a way, more real to us than the massive and unimaginable threats noted above: the health threat of just plain heat.

The findings in the Public Health Service report are startling. The report points out that the problem of heat-related illness will become increasingly important in light of the general acceptance by the scientific community that world temperature is increasing and will continue to increase as a result of the greenhouse effect.

In 1980, 1,700 deaths in the United States alone were attributed by physicians to environmental heat as listed in death certificates. Since then, the Public Health Service notes that there has been a steady increase of heat-related deaths and that these numbers "seriously underestimate the true extent of mortality and serious morbidity caused by high temperatures." The mortality rates associated with heat waves can be as much as ten times the number of physician-attributed heat-related deaths, according to the report. Other deaths for which heat is a precipitating cause number in the thousands. The Public Health Service also points out that the number of persons hospitalized for serious heat-related illnesses can substantially exceed the number of heat-related deaths. Other illnesses less obviously related to temperature will also increase as the effects of global warming are felt.

In other words, we don't have to wait to see if our polar icecaps really will melt during the next century. The Public Health Service is telling us we have a heat health problem now.

We have unwittingly set in motion a process which the Public Health Service now tells us threatens both ourselves and our children. Reversing that process and dealing with the national and international issues affecting our global climate is now in the President's hands. We hope he will use the G-7 meeting as an opportunity for the bold leadership that we need.

INTERNATIONAL ACTION IN RESPONSE TO GLOBAL CLIMATE CHANGE

Mr. HOLLINGS. Mr. President, years ago, Will Rogers remarked that everybody complains about the weather but nobody does anything about it. Our task, heading into the 1990's, is to prove Will Rogers wrong. I am here this morning not just to complain about the dangers of global climate change, but also to talk about what we can and must do to reverse mankind's current perilous course.

Few dispute the fact that the Earth's climate is changing perceptibly and—relatively speaking—rapidly. In the past year, the world's consciousness has been jolted by droughts, floods, and heat waves of historic magnitude. We ignore these events and trends at our own peril.

On that score, I am personally committed to seeing that this Congress leads the way in improving our understanding of global climate change, and in mobilizing an international response. I know that many of my colleagues share that sense of commitment, and hope that the recently formed Global Warming Task Force will be effective in moving us closer to those goals.

Today, we are here to discuss the task force's first initiative—a letter to President Bush urging him to press for action to address global warming at the ongoing economic summit in Paris. The summit provides a critical opportunity to show the American public and the world that the United States will provide responsible leadership in dealing with the threat of global climate change. I join my colleagues in this call to action because the worldwide implications of climate change must transcend traditional political and national rivalries.

The bottom line really is that—through population growth, industrial-

ization, and energy use—mankind is affecting the way our planet works. In recent years, scientists have observed major changes in the Earth's atmosphere, oceans, and land masses. These changes include rising world temperatures, shifts in climate zones, depletion of the stratospheric ozone layer that shields the planet from harmful radiation, and possible rises in sea levels. If these global changes continue, they will have profound and lasting effects on many aspects of life. Steady increases in world temperatures could create drought and Dust Bowl conditions in many areas of the world. Depletion of stratospheric ozone could lead to thousands of new cases of skin cancer each year. Rising sea levels could permanently flood many coastal communities.

The letter to President Bush calls for a four-pronged international attack on the threat of global climate change. First, we must begin work on an international convention to protect our atmosphere and reduce emissions of greenhouse gases. Second, we must encourage each nation to take action, unilaterally but collectively with other nations, to slow down the release of greenhouse gases into the atmosphere. Third, we must work to reverse the trend toward destruction of the world's forested areas. Finally, we must begin a strong international push to get the facts about global change and improve our understanding of how this fragile planet works.

Other nations share our concern about these problems—recent events make that evident. In 1987, the World Commission on Environment and Development produced the report, Our Common Future, calling for international action to reverse long-term global environmental trends. The report recommends establishment of strategies to reduce energy consumption, increase scientific and renewable energy research, and improve the transfer of technologies to developing nations.

A few months ago, the World Meteorological Organization and the United Nations Environment Program brought together delegates from 30 nations to initiate an Intergovernmental Panel on Climate Change [IPCC]. The IPCC has now established three working groups to address the climate problem. The United States will head the third group, charged with formulating response strategies for mitigating or adapting to climate change. At the initial meeting of that group, Secretary of State Baker called for international action to counter the threat of global warming through reduced emissions, improved energy efficiency, and reforestation. Secretary Baker's position provided a welcome change from the Reagan administration's emphasis on the need for more research before taking action. Our task now will be to keep President Bush's feet moving steadily down the path toward thoughtful and comprehensive international policies for dealing with global climate change.

Statements made by leaders throughout the world convince me that the President will not be required to travel that path alone. Despite the ominous trends we have observed over the past decade, growing international attention provides tremendous cause for optimism. I maintain my confidence in the ability of mankind to find solutions to the complex environmental challenges that face us. And I call on this Nation to take the lead.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Idaho [Mr. SYMMS] is recognized.

LODGE A GOOD JUDGE

Mr. SYMMS. Mr. President, there was a recent editorial in the Idaho Press-Tribune on Sunday, June 18, entitled "Lodge a Good Judge." Judge Lodge has been nominated to become a new Federal district judge in Idaho. He is very well qualified.

I commend this editorial to my colleagues and ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Idaho Press-Tribune, June 18, 1989]

LODGE A GOOD JUDGE

A first for Canyon County was recorded last week when Idaho Sen. James McClure announced that Edward Lodge has been nominated to become a federal district judge.

Lodge has served as a federal bankruptcy judge for the past 18 months. But he is better known in this area for his many years on the bench of the district court in Caldwell.

Thirty years ago it probably would have been difficult to find anyone who would have predicted that the All-America halfback, who thrilled Boise Junior College football fans, would someday be nominated for one of the most prestigious positions in the judicial system. But early in his legal career, it was apparent that Ed Lodge had mental, as well as physical skills.

The slightly built, soft-spoken attorney was the youngest person in the state to ever be appointed to fill a state district judgeship. During his 23 years in that position, he built a reputation as one of the most competent criminal trial judges to be found anywhere.

An indicator of the degree of Lodge's success is the esteem in which he is held by the people he has dealt with during his career, from defense attorneys to law enforcement officers.

Lodge has a solid record as a tough judge who carefully follows legal procedures to protect the interests of all parties, but who isn't afraid to go his own way when he feels it is justified.

Canyon County Prosecuting Attorney Richard Harris gave one of the best descriptions of Lodge when he noted, "He's one of a very few judges not afflicted by the 'black robe syndrome'," meaning the jurist hasn't let the position go to his head.

The selection of Edward Lodge to fill the post vacated by Judge Marion Callister is a good one. There is no one any better qualified for the job.

Lodge's appointment to the federal bench is subject to confirmation by the U.S. Senate. The process sometimes requires months. We urge the lawmakers to act on the appointment as soon as possible. We need more judges like Ed Lodge on the bench.

SHEILA OLSEN

Mr. SYMMS. Mr. President, Sheila Olsen was recently recognized as the Multiple Sclerosis Mother of the Year by President George Bush. She has proven that living with an incurable disease should not end one's productive life.

Sheila has been active her whole life. Her husband, the late Dennis Olsen, was the former State Republican Party chairman of Idaho. She has been active in politics as well as her church activities. Sacrifice and hard work have been a part of her daily schedule. With all that has happened to affect their family, the Olsens have not centered their lives around Sheila's illness. They accept it and are a support system to their mother.

Sheila is a remarkable woman. She has acheived her goals in life and has met all challenges head-on and has conquered them. She has her spirit and dedication to see her through. Today, Sheila can no longer walk. She uses a tricart to move around. This does not stop her determination. Sheila Olsen is a person who is literally on the move.

I ask unanimous consent that Judy Mann's article on Mrs. Olsen, which appeared in the June 28, 1989, edition of the Washington Post, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 28, 1989]

A MOTHER'S TRIUMPH OVER ADVERSITY

(By Judy Mann)

Sheila Olsen was pregnant with her fifth child when she was found to have multiple sclerosis, an incurable disease of the central nervous system that is often progressive but whose course is difficult to predict.

Olsen's first symptoms were tingling sensations on her right side. "It was like somebody had drawn a line up and down my back. For years, it was just my right side that was affected." She had no feeling in her hands. Then she lost vision in one eye. The presence of a nodule on her optic nerve confirmed the diagnosis. The year was 1967. The loss of her vision was, she says, "the scariest thing." Treatment with a drug reduced the swelling and her sight returned. For many years, she was able to remain mobile with a walker or cane.

Olsen, who lives in Idaho Falls, Idaho, was married to a successful lawyer, Dennis

Olsen, a former State Republican Party chairman. The family belongs to the Mormon Church and it is clear when she talks of her illness and how her family has managed that her faith has been a bulwark against self-pity and despair.

"We decided at the beginning," she said, "not to focus our lives around my illness. Dennis was adamant in insisting I get my rest and that the children would help me. It sent the clear message to me that I was a competent person who could manage. And I do."

She had five more children. She has continued to be active in state Republican politics and founded "The Trumpeter," the Idaho GOP newsletter that she writes and edits. She was a delegate to the last Republican National Convention and was on President Bush's Idaho steering committee.

"No doctor has ever told me what I could do and couldn't do. I knew what I could handle. I didn't do it to prove a point. I did what was right for me. The children have enriched my life."

Dennis Olsen dropped dead from a heart attack while shoveling snow four years ago. Sheila Olsen says he left her well provided for, and she and her younger children have remained in the family's six-bedroom home. There were six children living at home when her husband died, and now there are four. She has a mother and daughter team who come in and clean the house once a week, but the rest of the time she and the children manage alone. Her disease has progressed significantly since her husband's death.

She no longer can walk, and uses a tricart to get around. She recently bought a van that had been owned by and equipped for a paraplegic, so she can continue to drive. She has used her organizational skills to compensate for what she cannot do physically.

Her children, she says, have days when they are in charge of cooking and cleaning up in the kitchen. The house is divided into sections and each child is responsible for that section for three months at a time. "When that section includes the utility room, they are responsible for the laundry," she said. Thus, Jon's chore list for Jan. 28, 1989, printed on her computer, was headlined: "No TV until these chores are done!!" The first paragraph read: "This page is valuable! When all the blanks are properly filled in, it is redeemable for a full allowance . . . ." Among the items on Jon's list: "Gather dirty clothes from all over house, sort, wash, dry, fold. Straighten up utility room. Vacuum utility room when everything is off the floor. Wipe off appliances in utility room so they look nice. Clean your bedroom thoroughly. Vacuum. Feed and water Charlie."

Jon was 10.

"We've done what we had to do to live around the MS and above it, and at the same time acknowledging it. It's like AA: Accept the things you can't change and change the things you can. That's the balance.

"I think that every person in life has their own set of challenges that they face. I honestly believe some of the things you see are easier to bear than the unseen heartaches. I get all kinds of help and understanding. What about the person who is having real heartaches with a child or a spouse? They don't have the support system I have," through her church, political allies, and friends. "So I have never felt sorry or bitter.

"That is not to say it isn't a challenge. I've walked and it is better to walk."

Last Friday, Sheila Olsen, 50, went to the White House to receive a plaque from Bush honoring her as the MS Mother of the Year. Her 10 children were with her. She is enormously proud of them. "The thing you practice in a family is unconditional love," she said, "and you keep the circle of love regardless.

"I am the support and mother to those children. I determined when Dennis died that we would go on as a vital, happy family and that has been my goal," she said.

"And I think we've achieved it."

FLAG BURNING

Mr. SYMMS. Mr. President, a few weeks ago the Supreme Court announced a decision that has engendered the type of public outcry not seen since the Dred Scott decision of the 1800's. I am referring to the flag-burning case. During the 1984 Republican National Convention, Gregory Lee Johnson burned the American flag while participating in a demonstration against the Reagan administration. In a 5-to-4 decision, the Supreme Court stated that Johnson's conviction for violating a Texas statute prohibiting the desecration of a venerated object was itself a violation of Johnson's first amendment right of freedom of expression.

I do not support the Supreme Court's decision. I am a champion of first amendment rights, but the flag is unique. The American flag is the banner of freedom for which thousands have laid down their lives, and it is hope for oppressed people around the world. The flag is more than a representation of America, it is dear in its own right.

July 21, 1989, will mark the 1-month anniversary of the Texas versus Johnson decision. The people of Coeur D'Alene, ID, are taking notice of the significance of the day. On the 21st they will fly American flags to show their pride in Old Glory and to protest the Texas versus Johnson decision. They are now working to encourage people in Idaho and around the country to join them in honoring the American flag. I commend the people of Coeur D'Alene for their efforts and encourage others who may be listening to join in this effort to mark the 1-month anniversary of that Supreme Court decision by flying the American flag proudly that day. Together let us fly our flags to remind America of what Old Glory stands for—the ideals of America, and the many who died in battle to uphold those ideals.

REMARKS OF JAMES S. BRADY, VICE CHAIRMAN, NATIONAL ASSOCIATION ON DISABILITY

Mr. ROTH. Mr. President, few persons have given as much in the public service to their country as Jim Brady. Jim retired from the Federal Government earlier this year—but he has not retired from public life. He has taken an unpaid full-time job as the vice chairman of the National Organization on Disability. The National Organization on Disability is a private, Washington-based group which was formed in 1982 to expand the participation of the Nation's 37 million disabled persons in the mainstream of their communities and to enhance public understanding of disabled persons. Jim's role in his new job is to bring the message of the National Organization on Disability to the public's attention. I know from personal experience that no one could have a better person to fulfill this responsibility. I thought my colleagues might be interested in Jim's remarks before the American Society of Newspaper Editors. I ask that Jim's speech, "Calling on America" be inserted in the RECORD at this point.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF JAMES S. BRADY

CALLING ON AMERICA

I never thought I'd be in the disability community. As you know, I joined it in one instant. There are 37 million of us—men, women, and children with physical or mental disabilities, plus at least as many family members living with us on a daily basis.

I've always felt fortunate to survive that instant and to be alive. Now, the bear is back—not from hibernation, but from 7 years of rehabilitation and PT. (That's short for "pain and torture".) Thanks to the "physical terrorists," my wonderful wife and family, and many, many friends like you, I'm ready for action. I'm ready, as vice chairman of the National Organization on Disability, to call on America.

Disabled people are the Nation's largest minority and a great untapped resource. We don't want sympathy; we do want opportunity. We do want acceptance. We want to participate and to be included. Everyone has a part to play in this last great inclusion in American life—the inclusion of people with disabilities. This is good for us who are disabled; it is good for America. And that is why I am calling on all Americans to join with me and the National Organization on Disability to increase the dignity and participation in everyday life of all people with disabilities. Many of you have asked me what I'll be doing. In my public appearances, in meetings and in correspondence, here is what I will be doing as vice chairman of the National Organization on Disability.

I will be calling on the President, Members of Congress and other national leaders to ensure disability remains high on the national agenda. I'll urge them to speak out regularly and to follow words with deeds.

I will call on our Governors and State legislators to bring their disability statutes up to date, to remove discrimination and to open opportunity.

I will call on mayors and community leaders across America to break down attitudinal and physical barriers in their localities, to provide jobs and include disabled people in worship, education, voting, and other activities. I urge every community in the United States to become a community partner of the National Organization on Disability.

I'll be calling on educators to expand educational opportunities and make our schools and colleges more accessible to disabled students.

I'll call on business leaders, in companies large and small, to hire qualified disabled people and to make work places accessible. I'll ask them and philanthropic foundations to support the important work of disability organizations.

I will call on leaders of association to enlarge the concern and activity of their local chapters across America, focussing on bringing disabled people into the mainstream.

I will call on disabled people themselves to speak out forcefully about our rights as citizens and our desire to contribute to our Nation.

And tonight, my friends, I call on you—who are the gate-keepers and opinion-molders in our country—to help our minority make up for lost time by telling our story and telling it often. We need your help to improve attitudes. When you get home, as a starter, I urge you to cover the new Americans With Disabilities Act, which is going to be introduced in Congress in a few days.

Together, you in the media and we at the National Organization on Disability can bring to reality the words of President Bush just 2 months ago in his first address to a joint session of Congress: "To those 37 million Americans with some form of disability: You belong in the economic mainstream. We need your talents in America's work force. Disabled Americans must become full partners in America's opportunity society."

Please join with me and the National Organization on Disability to help make America a better place for all of us.

ADDRESS OF SENATOR WILLIAM COHEN, BOWDOIN COLLEGE, BRUNSWICK, ME

Mr. RUDMAN. Mr. President, on June 3, 1989, Senator WILLIAM COHEN gave the commencement address at Bowdoin College in Brunswick, ME. I would like to commend this powerful speech to the attention of my colleagues and ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR WILLIAM S. COHEN, BOWDOIN COLLEGE, BRUNSWICK, ME, JUNE 3, 1989

President Bush made a powerful speech in West Germany this week, restating for the NATO alliance what have always been the goals of the United States—peace, freedom and prosperity. And he pointed out a truth recognized by our Founding Fathers—that the passion for freedom cannot be denied forever.

The Declaration of Independence was not a uniquely American ideal, as some believed, but a revolutionary proclamation that was universal in application.

Just a few days before his death, Thomas Jefferson wrote: "May it be to the world what I believe it will be: To some parts sooner, to others later, but finally to all, the signal of arousing men to burst their chains * * *. The mass of mankind has not been born with saddles on their backs for a favored few, booted and spurred ready to ride them by the grace of God."

Years later, Lincoln reinforced Jefferson's works when he said that the principle that held the Union together was not simply our separation from England. It was "something in the Declaration * * *. Something giving liberty not alone to people of this country, but hope to the world. It was that which gave promise that in due time the weights should be lifted from the shoulders of all men."

While men and women the world over yearn for freedom, the vast majority of them are still shackled to the ball and chain of political and personal oppression. But the fires of freedom, if not burning, are at least flickering in China, the Soviet Union, South Africa, eastern Europe, Panama and Central America.

Hundreds of thousands, lifted by the dream of democracy, are performing in deed what Patrick Henry said in words. "Give me liberty, or give me death."

They look to the United States for leadership, as the shining example of a revolution that forged an enduring democracy. And we should be proud and inspired by the Chinese students who erected a styrofoam replica of Lady Liberty in Tiananmen Square. And I would add parenthetically, quite a bit embarrassed too, that our young nation has slipped so quickly into middle age cynicism, apathy or indifference, whereby half of our citizens can no longer be bothered to walk across the street to a polling booth on Election Day. Perhaps the courage of others to face bayonets and bullets so they might taste for the first time what we have enjoyed for more than 200 years will shake us from our slumber.

History has taught us that it requires courage to seek freedom, to establish a democracy, but vigilance to keep it.

Our Constitution and democratic institutions have endured and that is a testament to their strength and resiliency. But we also know that those institutions are fragile and not only capable of being overwhelmed by external enemies but undermined by those entrusted with political power who find the workings of democracy too slow, cumbersome or inconvenient.

Twice in a period of just thirteen years, we witnessed a small group of men in the White House grow frustrated with the division of constitutional powers, who equated dissent with disloyalty and treated the rule of law with disdain. The goal was thought to be greater than the method of achieving it and so rules were bent, laws broken, lies told. In each instance, rescue of the truth turned upon happenstance; a night watchman who discovered a peice of tape on a hotel doorlock; a cargo plane shot down in the jungles of Nicaragua and an allegation of wrongdoing printed in a Beirut newspaper.

The inevitable contest for power and the potential for abuse of power were clearly foreseen by our country's founders. They knew that there would be those who would demand action, question the motives of those who disagreed, and seek to stifle the voices of dissent. Speed of action was never the goal of America's architects. They realized that a king could move faster than a congressman on any occasion. But kings, while agile and swift could also enslave. The founders expressly preferred debate, deliberation and even delay to the allure of swift declarations by an autonomous executive. They knew that: power must be entrusted to someone, but no one could be trusted with power; that democracy can best be defended by a diffusion of political power; that while our laws must be ever changing and adaptive in a world of rapid change, what must remain unshakable is the sanctity of the rule of law itself. The need for an absolute reverence for the rule of law was captured in "A Man For All Seasons" when William Roper declared "I'd cut down every law in England to get at the devil." And Sir Thomas More said, "Oh? And when the last law was down, and the devil turned round on you, where would you hide, Roper * * *. If you cut them down, do you really think you could stand upright in the winds that blow then? Yes, I'd give the devil benefit of law for my own safety's sake."

And it is for our safety's sake that each one of us has a responsibility to remain a watchman in the night.

The threats to freedom will come not only from those who claim a higher good, a greater patriotism or a grander vision. They will come in guises never contemplated.

As we enter the third century of the Constitution, the rate of technological innovations is accelerating exponentially. As has been the case throughout history, these innovations hold the promise of great benefit—improving health and the quality of life—and potentially great harm—to the environment, to human life, and even to our democratic ideals. As we rocket our way through the age of Future Shock, our survival as a free and open society will turn on how well we will be able to maintain the balance between the national interest and individual rights in the face of mounting social problems, and how well we avoid infringing on constitutional rights with a technology that is silent but potentially more subversive than anything in our past experience.

One factor that has dramatically altered our society in the past half-century has been the computer. This modern day Promethean gift of fire has forever altered the way we do business ourselves, with each other, and with our government. No longer is the computer the exclusive tool of IBM or academia, with one mammoth mainframe in the science building. Rather, it is an everyday tool of business and bureaucrats, students and shoppers, airline pilots and police officers. The computer, and the linkage of multiple data bases allows us to gather, store, retrieve, and process vast quantities of information in milliseconds.

We embrace the technology that carries us to the moon and allows us to obtain cash at bank machines in the pre-dawn hours. But it is the very efficiency, convenience, and comfort that disguise the dangers that information technology can bring to our liberties.

The clearest conflict that has emerged is that of the government's use of information and the citizen's right to privacy. Justice Louis Brandeis identified the "right to be left alone (as) the most comprehensive of rights, and the right most valued by civilized men." As information becomes more available to the government, however, this right to be left alone will become increasingly difficult to sustain.

An instructive example is computer matching, an investigative technique that is widely used by states and local governments. In a computer matching program, one agency compares its lists against the lists of another agency to find common names. The government matches a thousand or even a hundred thousand names against phone numbers, social security numbers, or other identifiers within seconds to find evidence of fraud, waste or abuse.

At times of high budget deficits, the lure of computer techniques to find fraud is not only appealing, but irresistible. Advocates of

computer matching argue that there is really nothing new when the government uses computers to search through files—and that the same investigations have been done manually for years. The computer, they argue, is simply a tool—a neutral tool that is not menacing or vindictive. "It's not the computer that creates the problem, it's people," they claim. This is but a half-truth. The sheer speed and capacity of the computer enables and encourages searches of files that would never be undertaken manually. The computer search also takes on a more intrusive, insidious character. No longer is it the man in the raincoat and the dark hat following you around or searching through your bank files. Rather, it is the faceless, remote machine that can scan massive amounts of the most sensitive, personal data, with almost no human beings involved in the process of storing and tracking information.

The argument has been raised that only those who have something to hide will be affected by the government's use of computer investigative techniques. The honest have nothing to fear. But the case of a computer match involving bank records in Massachusetts several years ago illustrates that many more persons than only the fraudulent can have their due process and privacy rights threatened by such computer techniques. The State of Massachusetts matched its list of welfare recipients to records of banks to determine if persons receiving welfare had any hidden assets. The match turned up the names of over 1,600 welfare recipients who allegedly had hidden assets, and the state immediately sent them notices that their benefits would be terminated. When the individuals appealed their terminations, it was learned that over half of the cases identified as fraudulent recipients were erroneous.

Technology no more than time can be stuffed in a bottle. And while we should be grateful beneficiaries of technology's blessings, we must remain wary beneficiaries as well. What is seen as an ally against fraud and waste today may, unless it is rigidly controlled, grow into an enemy of the very liberties that we profess to cherish most. The "rought beast slouching" toward the Potomac may prove to be an IBM computer.

Another major pressure point on our constitutional freedoms is created by the rapid advancement of science and biology. Only a few decades ago, genes and inheritance were still deep mysteries to science. The discovery of DNA was a major breakthrough in knowing how gentic characteristics are passed from generation to generation, and opened the door to understanding our fundamental biological process.

The benefits of these scientific advances are truly staggering, and hold great promise for the eradication of deadly genetic diseases. But the application of this science, also raises unprecedented challenges to our constitutional freedoms.

The extent of this challenge is based on the degree to which the government, and we as a society, attempt to use new scientific capacity to interfere with the personal choices of individuals. Will the government, for example, attempt to regulate the new decisions, such as the ability to prolong life or to detect a genetic disorder in a fetus? Will it collect biological and genetic information about individuals? Use biological knowledge to modify the behaviors of classes of people, such as hormonal therapy for sex offenders or mandatory contact tracing of persons with AIDS?

Fears of abuse should not, of course, halt our pursuit of scientific knowledge. The questions raised by biotechnological advances should be addressed now before freedoms once considered fundamental are lost to silent and subtle encroachments.

Like all other aspects of our society, the criminal justice system has also been and will continue to be dramatically affected by new technology. For example, the 4th Amendment's prohibition of unreasonable searches and seizures will have to be reexamined and redefined as technology enables the government to better monitor individuals and their movements, from a greater distance, and in ways that are undetectable. Today, surveillance technology is no longer limited to telephone taps and hidden microphones.

The Supreme Court has ruled a search may be unreasonable if the person has an actual expectation of privacy and, second, the expectation is one that society recognizes as "reasonable." In recent cases, the Court has held that aerial photography of a commercial plant and a fence enclosed garden of a private home were not searches prohibited by the 4th Amendment given that the expectation of privacy was not "reasonable." As changing technology provides law enforcement authorities and others with more powerful and sophisticated surveillance tools, will our expectation of privacy be further diminished?

Illegal drugs may represent the biggest problem confronting the United States today. Will increasing pressure on government officials to deal more effectively with the problems of crime and illegal drugs result in our willingness to accept greater governmental intrusion in our private lives?

Congress has enacted billion dollar anti-drug bills to wage more effectively the battle against illegal drugs. Congress has allowed the release of confidential tax data to help prosecute drug kingpins, and the executive branch has established an extensive drug screening program for federal employees.

In his dissent in a recent case upholding mandatory drug testing for certain federal workers, Justice Scalia wrote, "It is all of us who suffer a coarsening of our national manners that ultimately give the Fourth Amendment its content, and who become subject to the administration of federal officials whose respect for our privacy can hardly be greater than the small respect they have been taught to have for their own."

In response to the illegal drug trafficking problem, Congress recently expanded the authority of the Department of Defense and national guard units to assist drug interdiction efforts by civilian law enforcement officials, but has maintained the historical separation between military and civilian responsibilities by refusing to grant the military police powers. "The American experience has been characterized by a deeply rooted resistance * * * to any military intrusion into civilian affairs."

This historical tradition has served to protect the civil liberties of American citizens. Yet, there are calls for the direct participation by military forces in search, seizure and arrest efforts by those who argue that the magnitude of the drug problem necessitates such drastic measures. Others argue for the deployment of military forces to protect our southern border from the influx of aliens illegally entering the United States. It is unlikely that Congress will yield to these requests anytime in the near future, but what will be the reaction of the Congress and the American public if at some future point the illegal drug problem worsens? Should the pressures of world population growth, or economic and political turmoil in neighboring nations result in an even greater flood of illegal immigration, will we be willing to compromise our historical antipathy to using military forces for civilian purposes?

As we attempt to balance the needs of law enforcement and the privacy needs of individual citizens, we must ensure that our desire to address real or perceived social problems does not result in the "immolation of privacy and human dignity." A recent effort to impose a curfew for adolescents in the nation's capital, the use of random drug testing by the private sector and the government, court rulings upholding the legality of searches of student lockers, and expanding the use of military personnel in the drug war have all been denounced by civil libertarians. We should heed the warnings and take a very careful look down the path we have chosen to ensure we do not at some future junction find ourselves surprised to discover that we have given up too much.

Yaakov Smirnoff used to joke that the major difference between the United States and the Soviet Union was that in the United States people watch television, but in the Soviet Union, the television watches you. The line produced a lot of laughs.

But we find that it's no joking matter. On the front page of Thursday's New York Times, Nielsen announced that it intends to use a new technology that allows the television set to identify the viewers. It's called a "passive people meter" and, of course, is to be used for entirely benign purposes.

But the "people meter" would identify members of a household and record, second by second, when they leave the room and even when they avert their eyes to read the newspaper. It's only a rating game for Nielsen, but George Orwell's Winston Smith might find it far less than benign.

There is a great deal of discussion today about the loss of traditional values and the moral decline of American society. While these fears may be exaggerated, there are disturbing signs. The distinction between right and wrong, and the line to be drawn between matters of individual responsibility and those of the government are blurred.

Michael Milliken is a hero to some and is vigorously defended by many of his peers—his only sin that he was caught. Abortion clinic bombings and harassment of their employees are justified by the perpetrators in the name of morality and the desire to protect human life. We decry the violence in our city streets but we embrace it in the television shows we choose to watch and the movies we flock to see. For some, the government in the form of public schools is being looked to to instill religious and moral values in our children, a responsibility more appropriately the province of parents.

Safeguarding constitutional freedoms requires an ever vigilant public and a strong cultural commitment to liberty. In the words of Robert Maynard Hutchins, "The death of democracy is not likely to be assassination from ambush. It will be a slow extinction from apathy, indifference and undernourishment."

The ability and continuity of our constitutional system depends on our continued embrace of the ideals embodied in the Constitution, and the ability to instill in our children a respect for our democractic traditions and a love of individual liberty. In this regard, the words of Justice Learned Hand

come to mind: "Liberty lies in the hearts of men; when it dies there, no constitution, no law, no court can save it; no constitution, no law, no court can even do much to help it. While it lies there, it needs no constitution, no law, no court to save it."

The poet Archibald MacLeish warned that we must pause long enough in our adoration of the limitless possibilities of science to ask "[E]xactly where is it that we want to go as humanity makes its way through time; that we must insist upon the mastery of our lives, the management of our means * * *.

"What is demanded of us in a new age of gods and mysteries and monsters—not without dogmas and superstitions of its own—is a second humanism that will free us from the paralysis of the soul.

"For it is only the university [and the study of the humanities] in this technological age that can save us from ourselves."

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that it is now 1,579 days that Terry Anderson has been held captive in Beirut.

An article appeared in the Christian Science Monitor in the beginning of this year which described the impact that events in that area have on the hostage situation.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From The Christian Science Monitor, Jan. 4, 1989]

WILL LEBANON SPLIT APART IN 1989?

(By Jim Muir)

NICOSIA, CYPRUS.—For Lebanon and for the Western hostages still held captive in that country, 1989 will be a crucial year.

Lebanese leaders warn that if the drastic drift in recent months toward partition of the country is to be reversed, it must happen early in the year.

Similarly, with the recent end of the Gulf war and the imminent arrival of a new administration in Washington, analysts believe the possibility of resolving the hostage issue could be clarified early this year. The fate of most of the hostages is thought to depend more than anything else on developments in Iran and in Tehran's relations with the West.

Syria's position will clearly be of vital import for Lebanon—and may affect the hostage question as well, many observers say. Past hostage releases have apparently involved a large measure of cooperation between Tehran and Damascus, with Syria acting as master of ceremonies in handing the captives over to Western officials.

Some reports circulating recently in Beirut have suggested that Syrian misgivings may be responsible for the lack of progress in freeing three British hostages, despite the announcement in November that Tehran and London are to resume full relations.

Syrian officials are said to be angered at the British government's continued refusal to restore ties with Damascus, broken off in October 1986 after allegations of official Syrian involvement in an attempt to smuggle a bomb on board an Israeli airliner at London's Heathrow airport.

Syria has often appeared keen to gain credit with Washington by presiding over the release of American hostages. But past experience suggests the Syrians are not going to grant any free favors.

This makes it likely that, before putting themselves out on Washington's behalf, they will want to be assured of continuing US cooperation in helping to solve Lebanon's problems.

Perhaps even more importantly, they will want to be assured that they will be given their due place in the Middle East peace process. More regionally isolated than ever, and at odds with many of the other key Arab players, Syria risks being marginalized if it is not brought into any peace moves opened up by the breakthrough between the US and the PLO, regional analysts say.

While Syria may have a role to play regarding the hostages, Tehran is widely believed to be the real decision-maker when it comes to freeing the captives. Given the obscurity surrounding Iran's domestic politics, the prospects of it releasing the hostages are hard to assess—but do not, at present, look very bright.

Radical Lebanese Shiite cleric Sheikh Muhammad Hussein Fadlallah said on Dec. 17 that he was suspending his efforts on behalf of the Western hostages because he had made no progress. Sheikh Fadlallah is widely regarded as the spiritual mentor of the Iranian-backed Hizbullah (Party of God), the umbrella organization with which the various hostage-holding groups are affiliated.

He cited "objective factors" for the failure. In the past, the sheikh has said that the fate of the hostages is bound up with complex regional and international relationships, and that there was little that the Lebanese on the ground could do about it. Recently, he said that Washington's failure to return frozen Iranian assets was one reason for the continued detention of the nine US hostages.

So far, there is no sign that the transition from Ronald Reagan to George Bush in the White House will provide a vehicle for the hostages' release.

For one thing, the Iran-contra revelations apparently inhibited any possibility of secret bargains being struck between Tehran and either of the US presidential candidates.

While the Bush inauguration may or may not affect the fate of the hostages, many Lebanese hope that the installation of the new US administration, and the formation of a new Israeli cabinet, may help reverse the process of partition that has been gathering pace in Lebanon itself.

So far, there has been little progress in overcoming the rift between Syria and the hard-line East Beirut Christians which, most observers agree, lay behind the Lebanese parliament's failure to elect a president in September.

Since then, the government, the Army command, the internal security directorate, and other national institutions have been torn in two by conflicting Christian and Muslim demands.

While Syria backs the mainly Muslim government in West Beirut, the hard-line East Beirut Christian militia has links with several of Syria's regional adversaries, including Iraq and Israel.

That is why a simple partitioning of Lebanon is seen as a recipe for instability. Damascus regards the emergence of a hostile Christian mini-state on its own doorstep as intolerable, believing it would provide a playground for Syria's enemies.

US diplomats have taken on an important role, trying to mediate an understanding between Damascus and the East Beirut Christians. But many Lebanese believe there is little hope of a breakthrough until the Bush administration is in place and American diplomacy actively received.

A long-term solution in Lebanon would require the full withdrawal of both Israeli and Syrian troops—something that is hard to imagine in the absence of an overall Arab-Israeli settlement, which may be a long time coming.

But to halt the drift towards partition, an inter-Arab entente may be necessary. At present, Syria's acute isolation is seen as aggravating the ongoing crisis in Lebanon.

Efforts in that direction are under way, with Syria's President Hafez Assad having held talks with Saudi King Fahd in mid-December. The meeting produced no immediate breakthrough.

STILL WAITING FOR FREEDOM

AMERICANS

Terry Anderson, Associated Press reporter. The longest-held captive, he was kidnapped March 16, 1985 by Islamic Jihad.

Thomas Sutherland. Agriculture dean, American University of Beirut. His June 9, 1985, abduction claimed by Islamic Jihad.

Frank Herbert Reed. Director, Lebanesse International School. Abducted in Beirut Sept. 9, 1986. Responsibility unclear.

Joseph J. Cicippio. Comptroller, AUB, Kidnapped Sept. 1986.

Edward Austin Tracy. Writer. Seized Oct. 21, 1986. Revolutionary Justice Organization claimed responsibility.

Robert Polhill, Alann Steen, Jesse Turner, Professors at Beirut University College. Taken on Jan. 24, 1987. Islamic Jihad for the Liberation of Palestine said it was responsible.

US Marine Lt. Col William Higgins. Commander of UN observer group. Kidnapped Feb. 17, 1988, in south Lebanon.

FRENCH

Michel Seurat, Researcher. Kidnapped May 22, 1985, Islamic Jihad claimed in March 1986 that he had been executed.

BRITISH

Alec Collett, Journalist. Taken March 1985. Believed killed.

John Patrick McCarthy. Cameraman. Nabbed April 17, 1986.

Terry Waite. Anglican Church envoy; not seen since Jan. 20, 1987, when he went to secret talks with Islamic Jihad.

OTHERS

Brian Keenan, Irishman. Professor at American University.

EULOGY FOR VINCENT LOWE, JR.

Mr. SANFORD. Mr. President, one of North Carolina's most distinguished sons died too young last week.

L. Vincent Lowe, Jr., president and chief executive officer of Branch Banking and Trust Co., earned the admiration of his community, his State, and his profession before his untimely death at age 53.

During the greatest changes in the history of American banking, he adapted his company to new practices and techniques but firmly kept it true to his personal philosophy that a bank is only as good as its services to its local customers. His was a human

touch and the bank he led was a precise reflection of that attitude.

During his time at the helm of BB&T, the bank tripled its assets and became the fifth largest in the Carolinas with 187 offices of 105 cities and towns.

He was known throughout the two States as a man of integrity and a bankers' banker. Both his grandfather and his father had preceded him in the business.

He was determined to keep his bank close to its customers. He often said, "We grew up with farmers and we are not going to forget it." He was determined that the bank would remain independent. Recently he reorganized the various offices into 10 regions, each with its own president, "In order," he said, "that each customer can get an answer in his hometown."

Last year, Mr. Lowe was presented the North Carolina Public Service Award, an extraordinary and highly respected recognition of his value to the State. He had earned that honor. He was a trustee of two of our colleges and our State art museum. He devoted much of his time and energies to raising funds for our Museum Society and our Historical Preservation Society. At the time of his death, he was chairman of the State Bankers' Association and was planning its annual convention.

Perhaps nothing better represents the kind of life he led than his vital leadership in the formation of the North Carolina Rural Economic Development Center, Inc. This nonprofit organization was designed to improve the lives of low-income families in North Carolina through the restoration of economic vigor to the State's rural areas. Vincent Lowe said it was a chance for struggling families to pull themselves up by the bootstraps. That was the kind of vision and courage that characterized his life.

No State ever has enough citizens like Vincent Lowe. North Carolina's loss is inestimable. At 53, he had a long way yet to go. To his wife, Pearla Ann, and his family and friends, I express my own sense of deprivation and my deepest sympathy.

There is consolation only in the fact that he lived life to the fullest and achieved a great deal more than most men who enjoy greater longevity.

I rise, Mr. President, to pay tribute to this fine man and to express my appreciation for all that he contributed to the lives of so many people in North Carolina.

MICHAEL EISNER

Mr. LEAHY. Mr. President, today I rise to draw the attention of my colleagues to the work of Michael Eisner, who has been the chief executive officer of the Walt Disney Co. since 1984. Michael Eisner is one of the most creative, imaginative, and successful corporate executives in this country.

Despite his enormous success in the entertainment industry, our conversations often center around apples and agriculture rather than on films or television. Michael's mother, Mrs. Lester Eisner, owns an apple orchard in my home State of Vermont, where we often gather for visits. I am very proud of the Eisners.

Michael Eisner should be congratulated for making a great American company even greater. Between 1984 and 1988, Disney's earnings quadrupled, and by 1988, Disney films were earning more than one-fifth of all U.S. box office revenues. Under Michael's direction, Disney has brough us such splendid films as "Who Framed Roger Rabbit?" and "Down and Out in Beverly Hills." Prior to joining Disney, Michael was president and chief executive officer of Paramount Pictures for 8 years, a tenure marked by such successes as "Raiders of the Lost Ark," "Terms of Endearment," "Ordinary People," "Star Trek," "An Officer and a Gentleman," and "Saturday Night Fever."

Mr. President, I ask to have printed in the RECORD a Washington Post article on Michael Eisner dated January 8, 1989, written by Rita Kempley.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 8, 1989]

BIG CHEESE OF THE MOUSE FACTORY

(By Rita Kempley)

Mickey Mouse was near 60 and beginning to gum his brie, when along came a charmed corporate jouster to make Mickey the mouse that roared. It was Michael Eisner who rode in on his white limo to wake the slumbering Walt Disney Co. when he became CEO in 1984. No Sleeping Beauty after 22 years of neglect, the company soon became a model for "In Search of Excellence."

Eisner brought in more new brooms than the Sorcerer's Apprentice, cut costs and plundered the film vault, but it was his knack for picking hits that put the magic back into the kingdom.

By 1988, Disney films were earning more than one-fifth of all U.S. box office revenues, TV's Disney-produced "The Golden Girls" was triumphant in its time slot, and athletes like Doug Williams could only top the Super Bowl by going to Disney World. Minnie, now a liberated fashion victim, was heavily into marketing watches, slippers and mugs. Disney had become Amusement Inc.—one of America's 42 "leanest and meanest" conglomerates, according to "Business Week."

Eisner, while sort of lean, doesn't look particularly mean—a boyish 46-year-old with hair like desert scrub and a puppet's nose to belie his dark pinstriped uniform. But how intimidating can you look traveling the country with an inordinately optimistic mouse dressed in a tuxedo?

Eisner and Mickey were in town recently to donate Mickey memorabilia to Smithsonian collection that includes Archie Bunker's chair and the jacket worn by the Fonz in "Happy Days." While Mickey passed out cheesecake at a reception, Eisner drank tepid coffee from a Mickey cup, wiped his lips with a Mickey napkin and got nostalgic.

"I was in a snowstorm in an airport in Newark, N.J.," sayd Eisner, then an ABC-TV executive. "I had nothing to do and I wrote out a presentation that was 'Happy Days.'" After the pilot program had been filmed, he remembers, "I was driving out of Paramount and Henry Winkler was hitchhiking. And I was really tired and . . . I thought, I'm not going to pick him up. This show will never be a hit . . . Today, there's Henry Winkler's jacket. He's the guy I didn't pick up because he wasn't going to be a success."

If his crystal ball was clouded that day, most days Eisner foresees the blockbusters. Even when sitting still, the ideas squirm and swarm, the antennae quiver. "Excuse me, I've got an idea for a movie," he says, scribbling covertly in a notebook. "Inspiration. It's in the air."

Footloose on the Champs-Elysées, most people would have gone window-shopping. Eisner saw people lined up for a movie called "Trois Hommes et un Couffin," went in to see what the fuss was all about, et voilà, the trois hommes became the three men, a zillion-dollar baby. "I'm a complete thief," he says, "I will take anything. If my wife has an idea, if my son has an idea . . ."

The Saturday morning cartoon show "Gummi Bears" was in fact inspired by his son's passion for the ursine jelly candies. His wife Jane came up with the Disney World commercials one night over dinner with Dick Rutan and Jeana Yeager, pilots of the globe-circling light plane Voyager. "Jane said, 'You've gone around the world, what are you going to do next?' And they said, 'We're going to Disneyland.' She turned to me and said, 'Hey, why don't you do something about that?'"

Eisner's own muse brought us Jim "Hey, Vern!" Varney in "Ernest Saves Christmas."

"We're not curing cancer with this movie," the Disney chief admits, "But it is very successful. I was at the Indianapolis 500 four years ago and there was a parade . . . 500,000 people there. The governor went by and: applause. The mayor: applause. Mickey Mouse went by: more applause. All of a sudden, Jim Varney went by, and 500,000 people went berserk. So I said, 'We ought to do something about that.'"

Eisner and President Frank G. Wells quadrupled Disney's earnings in under four years and, with protegé Jeffrey Katzenberg directly in charge of Disney Studios, pushed production from four films to 14 per annum. Most came from Disney's Touchstone subsidiary, which handles more adult themes. In an economic climate that has other movie companies quivering like Bambi in a thicket, Disney just announced plans to double its output via a new subsidiary, Hollywood Pictures.

Eisner is faster acting than an over-the-counter antacid. One night he had dinner with a childhood friend, a part-time script reader at United Artists, who read terrible scripts for $35 each. They gave her all the junk. I asked if she had ever recommended any. "Well, I recommended one based on 'Zero Hour,' an airplane disaster parody [by the] guys who made 'Kentucky Fried Movie.' So I got up from the table, went to the telephone and I called up Don Simpson and said, 'I want to own this before tomorrow morning.'" The result was "Airplane," which really took off.

Sid Richardson Bass, a major Disney stockholder and Eisner supporter, tells an-

other story that's only slightly apocryphal: As he and Eisner were strolling past Epcot Lake one day, Eisner noticed there were no boats on it. According to Bass, he painted a sign that said "Boat Rides, so many dollars," and a little later, there were kids boating on the lake.

Eisner says it wasn't quite that simple. He did get the boats but the cement wall around the lake amplified the waves. "Our people who were testing were all capsizing and getting sick and everything . . . Not all my ideas are practical. For every idea I have that we go forward with, 10 others, people yell me down on. Most of the dumb ones I try to get rid of before they come to fruition."

He didn't win his fight to drive cross-country in a Winnebago to get closer to Disney World customers. And he never realized his dream to build a 44-story Mickey-shaped mousetel.

A New York City preppie with a liberal arts degree from Denison University in Ohio, Eisner first glimpsed his destiny as an NBC page during college summers. From 1966 to 1975, he climbed the corporate ladder at ABC-TV, whose prime-time, children's and daytime divisions rose under his leadership. Before becoming big cheese at the Mouse Factory, he was president and chief operating officer of Paramount Pictures. His eight-year stay there was marked by such successes as "Raiders of the Lost Ark," "Terms of Endearment," "Ordinary People," "Star Trek," "An Officer and a Gentleman" and "48 Hrs."

There was also "Saturday Night Fever," which begat "Flashdance," which begat "Footloose."

"I remember on 'Saturday Night Fever,' we opened November 16th and I'm skiing in December in Colorado. The kids who run the lifts were playing 'Staying Alive.' All over the mountain I'm hearing it, and all of a sudden the world is taken over by this music. We had [tapped into] a cultural phenomenon."

After "Saturday Night Fever," he wanted not only to spot the trends, but to set them. So when he heard about this sweaty new thing they were doing in Canada, he was, like, hot for it. "'Flashdance' was like a dare. Somebody came into my office and said, 'There's a thing called flashdance and they do it in Toronto.' I love this idea. Then they tell me it's not true at all. But I love the word. I want to have a craze. I tell them. 'This is a dare. We're going to take this idea, and we're going to go out and get a great soundtrack. We are going to write the cultural revolution as opposed to tapping into it.'"

"Flashdance" did not become a cultural revolution, Eisner concedes, but it did become a big movie, not to mention introducing America to the cult of ripped clothing. But to him "the entire movie was 'Can we do something that has never been done before?'"

The same sort of hubris lured him to "Who Framed Roger Rabbit." "The whole idea of creating a character . . . just new is fun. I just love the challenge."

On the other hand, he says, "it takes everything in my power to do any sort of sequel. I can hardly get interested in a sequel. It's good. It's economical and all that, but I can't get interested."

"Roger Rabbit," he says, was built around the challenge of marrying live action and animation, plus "being in business with Steven Spielberg . . . I never thought it would become the kind of mega event that it became."

At Touchstone, "Yesterday's news is boring. If we've done five French farces in a row, we don't want to see another French farce. . . . A year from now, you may be saying, 'You've got eight serious dramas in a row, you've become Bergman, everbody's committing suicide and dying, when are you going to get happy again?'"

Enter "The Good Mother," a failed drama that Eisner was drawn to because of a question close to his heart as a father of three. The Diane Keaton-Leonard Nimoy collaboration was a risk for a company that had made its reputation primarily on buddy romps and racy Bette Midler comedies. The movie concerned a divorcée who loses both lover and daughter when her jealous, morally outraged husband sues for custody of the child.

"There's a lot I like about the movie. There's lots I thought we could say a little bit harder. I think that the movie was supposed to be about people taking their children for granted, not being aware of the effect their actions will have on a very impressionable child. Doing it innocently and then paying the price. I thought the subject was interesting.

"I see a lot of people who have children, and they don't want to be married, because it's kind of fashionable not to be. I say to them, 'That's great for you at cocktail parties, but what's going to happen when he's 5 years old?' They name the child Rain or Hail—doing things for their own ego gratification, their own social acceptance in their own time and place. And that's what this movie is supposed to be about. Like many things, I don't know that we totally got there. Everything you do can't make history. But I thought the idea could have. Everything I go into I think will."

"Down and Out in Beverly Hills," with Bette Midler, broke tradition as Disney's first R-rated film. Midler, who starred in "Big Business" "Oliver & Company" and "Beaches" last year, is now almost to Touchstone what Snow White is to the Magic Kingdom. In a sense, Eisner has reinvented the studio system, with Midler, Danny DeVito and Richard Dreyfuss among the players whose careers have been revitalized under his auspices. He loves working with the same people over and over, and even brought about 20 of his old Paramount colleagues with him to Disney. "It's not the old system of MGM having everybody under contract. I wish it were. It doesn't work that way," says Eisner. "But it's great. You have a family. You have lunch, you get to work with them, you get to know what they can do."

The Disney company is like one big happy family—everybody goes by first names, like corporate Mouseketeers. It's Eisner's underlying ethos—the company that plays together stays together.

The CEO has also said he'd rather spend his money on 10 good writers than splurge on a star. There's a galaxy of stars out there, but a good story, a unique story is rare. "You pick up a magazine," he says, "you see the table of contents, usually there's nothing you want to read. But every once in a while, there's an article you're drawn to read. Well, that's the way the movie business is. If you have a pile of scripts next to the bed and you just can't get yourself to read any of them, no matter how good they are, you should probably throw them out. But every once in a while, there's one I just can't wait to get home to read."

But you can't expect to make nothing but masterpieces, he says. "In the history of the English language, how many great plays have been written?" A single college literature textbook, he says, could hold most of them. "We're making as many movies in a year that would fill that book and television is making as many in a week as would fill that book." Given that equation, he says, "it's amazing there are as many good things as there are in a single year. Bad is easy and bad is typical and bad happens for many thousands of reasons. And I've certainly participated in bad, albeit as little as possible."

"The Good Mother" aside, Eisner is presently on a roll, sending glossy, formulaic entertainment, out not only to America, but to Russia, Europe, Japan. And to China, where 200 million kids view "The Mickey and Donald Show."

All ages, races and phyta are minions of the Magic Kingdom, giddy as the tots whirled silly on the teacup ride. "Overall I have the best job in the country," says Eisner. "I wouldn't change with anybody."

So what's Michael going to do now? What else is there? Where do you go after Disneyland?

JACK LEE, DIRECTOR OF NASA'S MARSHALL SPACE FLIGHT CENTER, HUNTSVILLE, AL

Mr. HEFLIN. Mr. President, I would like to take this opportunity to offer my most sincere congratulations to a good friend and fellow Alabamian. On July 6, Thomas J. (Jack) Lee, a 30-year veteran of our Nation's Space Program was named Director of NASA's George C. Marshall Space Flight Center in Huntsville, AL.

Jack has seen our Nation's Space Program through the best of times and the worst of times—through the glorious days of Mercury, Gemini, and Apollo to the long and gloomy days in the aftermath of *Challenger.* America is back into space and once again riding the high tide of scientific exploration. Jack Lee deserves a great deal of credit for bringing America back.

Since 1980, Jack has served as the Deputy Director of the Marshall Space Flight Center. During his tenure as Deputy Director, he also headed the Heavy-Lift Launch Vehicle Definition Office, which is leading NASA's efforts in the definition and development of a heavy-lift launch vehicle capable of meeting national requirements.

In this process, NASA has developed an outstanding program called the Shuttle-C which is a cargo version of the space shuttle. It is extremely versatile and inexpensive relative to its payload capacity and can be flying by about 1994. Jack deserves much of the credit for develop this program.

He served as Acting Director of the Marshall Center from July through September 1986.

The Director of NASA's Marshall Space Flight Center is an awesome and demanding position. The Marshall Center manages some of NASA's most complex and important programs,

such as all of the propulsion elements of the space shuttle system, the habitation and laboratory modules of the space station—where the astronauts will live and work—and many scientific and astrophysics programs. As the Director of the Marshall Center, Jack will oversee a broad range of research and development activities which together establish Marshall as one of the largest and most versatile of the NASA field centers.

Mr. Lee was born in Wedowee, AL, and attended Woodland High School in Birmingham. He received an aeronautical engineering degree from the University of Alabama in 1958. In 1985, he completed the advanced management program at the Harvard School of Business.

Prior to assuming his present positon, he served as manager of the Spacelab Program Office where he was responsible for NASA's work with the European Space Agency in the development of Spacelab, a multipurpose reusable laboratory which rides in the cargo bay of the shuttle and allows astronauts to conduct laboratory experiments in a microgravity shirt-sleeve environment. A prime payload of the reusable space shuttle, Spacelab is employed in scientific investigations and technolgoy applications in space by both United States and foreign scientists. Mr. Lee's role was to manage the NASA planning effort for Spacelab development and operations in this country and to provide technical support and assistance to the European Space Agency. He was also responsible for ensuring that Spacelab met space shuttle operational requirements.

Jack began his professional career in 1958 as an aeronautical research engineer with the U.S. Army's ballistic missile agency at Redstone Arsenal, AL. He transferred to the Marshall Space Flight Center in 1960 as a systems engineer with the center's Centaur Resident Manager Office located in San Diego, CA. From 1963 to 1965, he was resident project manager for the Pegasus Meteoroid Detection Satellite project at Bladensburg, MD, and from 1965 to 1969 was chief of the center's Saturn Program Resident Office at the Kennedy Space Center in Florida. In 1969, he became assistant to the Technical Deputy Director of the Marshall Center and served in that position until 1973. He then served as deputy manager and manager of the Sortie Lab Task Team, which later became the Spacelab Program Office, until assuming his duties as Deputy Director of the Marshall Center in 1989.

For Jack's leadership, management and technical contributions to the Saturn Launch Vehicle Program, he was awarded the NASA Medal for Exceptional Service in 1973. For his contribution to the planning, initiation and management of Spacelab systems, he was awarded the NASA Distinguished Service Medal in 1984. In 1988, Jack was awarded the Presidential Rank of Meritorious Executive for his many contributions to rocketry and space flight. That award cited Jack's proficiency in design, development, and management in a variety of programs and pioneering work in cooperative international programs. Jack Lee is an associate fellow of the American Institute of Aeronautics and Astronautics and a registered professional engineer.

The Marshall Space Flight Center has a leading role in the Space Program. During the 1960's and early 1970's, the center was best known for developing the Saturn Launch Vehicles and the Lunar Roving Vehicles for the Apollo Program and for the Skylab Program, the first U.S. space station. The center has developed satellite scientific experiments, which returned a wealth of data in astronomy, astrophysics, and other disciplines. Currently, the Marshall Center is responsible for a wide variety of NASA projects ranging from development of the Hubble Space Telescope and production of the propulsion elements of the space shuttle to management of Spacelab Earth-orbital missions and other payloads and science missions for the space shuttle. Also, the center has been given a substantial role in the development of the Space Station Freedom.

Again, Mr. President, I congratulate Jack Lee on being appointed the Director of NASA's Marshall Space Flight Center. This is a position of great responsibility and I believe Jack is an outstanding individual to meet this task. In my judgment, he is the man for the job and will be an outstanding center Director. I look forward to working with him during his tenure at Marshall.

TRIBUTE TO RALPH J. ADAMS

Mr. HEFLIN. Mr. President, I would like to extend a special tribute to someone whose friendship and counsel I deeply respect, Ralph J. Adams. Mr. Adams has brilliantly guided Troy State University for over 25 years serving as president and later receiving the even more prestigious appointment as chancellor of the university. Under his direction, the structure of the university was reorganized to better suit the student's needs and aspirations. He instituted new and far-reaching programs which have expanded the students' minds and focused on the thoughts, ideas, and opinions so important for tomorrow's world. I have previously spoken of his many accomplishments and will not repeat them, but there are some strides I want to mention today.

I want to speak especially about those accomplishments concerning his foreign exchange programs. Starting in the early 1970's, Troy State cultivated an exchange with the University of Oxford and the University of Cambridge by offering British students a 1-year scholarship to enroll Troy State. A summer scholarship is awarded to a male and female American student to attend Jesus College of Oxford University. Awarded to a student with solid academics and involvement in school activities, this scholarship has another important objective, for priority is given to the student who would not otherwise be able to go abroad.

Ralph Adams' leadership and fresh ideas not only increased the opportunities for his students but helped strengthen ties between these two great nations for generations to come.

His aim has been to instill his students with a thirst for more knowledge by giving them a chance to broaden their horizons and establish a thorough base for further learning. I congratulate Dr. Ralph Adams, for the strides he has made in the education of the leaders, entrepreneurs, workers, and educators of future years.

Thank you, Mr. President.

PROHIBITION OF MILITARY AND ECONOMIC ASSISTANCE TO TURKEY

Mr. HEFLIN. Mr. President, when we speak of democracy, we are referring to a concept which was born some 2,500 years ago in the public squares of Athens. In fact it was a Spartan lawgiver in the ninth century B.C. and an Athenian statesman of the sixth century B.C. who provided America's founders with the logic behind the framework of democratic laws. Our forefathers learned from their Greek predecessors that liberty is best protected by the rule of law. Both understood that the rule of law was preferable to that of man. But, the bond between Greece and the United States does not end with our shared appreciation for democracy, freedom, and liberty.

In the 1900's Greeks migrated to the United States in vast numbers; one out of every four Greek males between the ages of 15 and 45 came to the United States and made it his home. Since then, these immigrants and their American-born children have contributed to and advanced our society in many areas—education, science, business, the arts, and government. Today, over 3 million people of Greek descent reside in the United States and most families in Greece can claim at least one relative who is an American citizen.

Greeks and Americans fought side-by-side in World War II to protect the world from totalitarianism and fascism. Over 600,000 Greeks died in that

conflict, a staggering 9 percent of the total population of Greece.

In Cyprus, 35,000 Greek Cypriots volunteered and fought with the British Armed Forces in North Africa and elsewhere against the Axis Powers. Many gave their lives in fighting for the Allies.

Is it not time the United States helped the Greek Cypriots in their struggle for democracy and liberty in Cyprus?

In May, NATO celebrated its 40th anniversary. Yet, this month marks the 15th anniversary of Turkey's aggression against Cyprus in July and August of 1974, with the illegal use of American-supplied military aid. There are an estimated 35,000 illegal Turkish occupation forces holding 40 percent of Cyprus by force, and an estimated 60,000 illegal colonists from Turkey who have settled in Cyprus in violation of the Geneva Convention of 1949 which prohibits colonizing by an occupying power. Yet our Government continues to supply military and economic aid to Turkey: $503.3 million in military aid and $60 million in economic aid in fiscal year 1989 and $613.3 million requested for fiscal year 1990.

Turkish Cypriots in the north are not even allowed to have contacts with Greek Cypriots in the south. Reminiscent of the resettlement of Turkish people in Azerbaijan by Stalin, the Turks' 1974 invasion of Cyprus displaced 180,000 Greek Cypriots from their homes. Based on 1970 population statistics, this uprooting left approximately 38 percent of the people in Cyprus homeless. These men, women, and children are unable to travel or settle on their own property in the northern part of their homeland still occupied by Turkey.

The fundamental purposes of both the United Nations and NATO, as embodied in their charters, are to prevent aggression and to settle problems peacefully. And yet Turkey, a United Nations and NATO member, breached the charters of both organizations through its hostile aggression against Cyprus. Turkey's action was a clear violation of the Geneva Convention of 1949 which prohibits colonization by an occupying power. Turkey's invasion also transgressed the Lausanne Treaty of 1923 in which Turkey renounced all rights to Cyprus. Turkey's invasion also contravened the Treaty of Guarantee which provides that any action taken under the agreements must be for the purpose of restoring the status quo ante.

Turkey not only violated international law, it ignored the conditions for United States aid found in the Foreign Assistance Act and the Foreign Military Sales Act. These acts basically provide that United States military equipment can be used only for defensive purposes. Turkey used United States equipment in its 1974 invasion and continues to use it to maintain Turkish control over northern Cyprus. The United States cannot continue to tolerate Turkey's practice of holding itself above the law. We need to promote constitutional democracy on Cyprus and end United States assistance to the forces that are responsible for the continued occupation of the island over the last 15 years.

Senate bill 22, of which I am a cosponsor, is a means of accomplishing that goal. Granted, it is strong medicine. But strong medicine is needed if Cyprus is to once again enjoy peace and tranquility. I want to echo what President Bush stated almost exactly a year ago; he said:

> We seek for Cyprus a constitutional democracy based on majority rule, the rule of law, and the protection of minority rights . . . I want to see a democratic Cyprus free from the threat of war. (Boston, July 7, 1988).

Although we consider Turkey a valued ally, the rule of law should remain paramount. President Eisenhower put it best during the Suez crisis in 1956 when he said:

> There can be no peace without law. And there is no law if we were to invoke one code of international conduct for those who oppose us—and another for our friends. (October 31, 1956).

We pressed for the withdrawal of Soviet troops from Afghanistan, Cuban troops from Angola, and Vietnamese troops from Cambodia, while at the same time supported and continue to support Turkish occupation troops and colonists in Cyprus. This certainly is not the single code of international conduct that Eisenhower envisioned for the United States. We must strive to eliminate the Turkish occupation in Cyprus.

Mr. President, that is why I rise today as a cosponsor of Senate bill 22, a bill introduced by my distinguished colleague from South Dakota [Mr. PRESSLER] that prohibits all United States military and economic assistance to Turkey until the Turkish Government takes certain actions to resolve the Cyprus problem. Under this bill, Turkey cannot receive United States assistance until the President certifies the following:

First, that all Turkish military occupation forces and illegal Turkish colonists are withdrawn from Cyprus.

Second, that the formerly Greek Cypriot-occupied area of Famagusta-Varosha has been returned to the Government of Cyprus for the immediate resettlement of refugees.

Third, that the negotiations under United Nations auspices have achieved significant progress toward establishing a constitutional democracy in Cyprus based on majority rule, the rule of law and the protection of minority rights.

Fourth, that Turkey has released and returned the Americans abducted by the Turkish invasion forces in 1974 and the 1,614 Greek Cypriots who have been missing since the Turkish invasion.

Fifth, that the Government of Turkey has withdrawn its recognition of the so-called Turkish Republic of Northern Cyprus.

And finally, that the Government of Turkey has taken all necessary steps to reverse the illegal declaration of an independent state in northern Cyprus.

Mr. President, I am a cosponsor of this bill for a number of reasons. In 1974, during their aggression against the people of Cyprus, Turkish soldiers abducted five American citizens at gunpoint. I feel that we owe it to their families to continually seek information about their whereabouts and well-being. Through passage of this bill, it would send a message to Turkey that the United States will not tolerate the blatant disregard for the human rights and individual liberties of our people.

Furthermore, it is appalling to consider that United States-supplied Turkish military equipment might be the very instruments used to prolong the internment of these American citizens. Surely these individuals are worth withholding United States assistance to Turkey, just as the holding of American hostages in Iran merited the cut-off of aid to that country. How do we explain to the Americans held by Turkey that while we have applied every conceivable pressure for the release of United States hostages in Lebanon, Turkey's status as a NATO ally precludes the cut-off of United States military and economic aid to Turkey? Yet, such action might very well bring about their release.

In addition to the five Americans, 1,614 Greek Cypriots have been missing since Turkey's invasion of Cyprus 15 years ago. Turkey refuses to release or account for the whereabouts of these individuals.

In conclusion United Nations-initiated discussions between George Vassiliou, President of Cyprus, and Turkish Cypriot leader Rauf Denktash have failed to bring about a resolution of the difficulties in Cyprus. The Cyprus situation is an albatross around the neck of NATO and the United States. It is high time the United States sent a message to Turkey that we will not permit the use of United States weapons and aid for aggression in violation of the Foreign Assistance Act. Stopping the flow of aid to Turkey until the conditions in Senate bill 22 are fulfilled will let Turkey know that we are serious in our support of the rule of law and opposition to Turkey's illegal actions. Without strong, determined United States pressure, the Cyprus situation will continue to disrupt the Western Alliance and stand as an ex-

ample of the United States' and NATO's failure to apply a single international code to both its friends and adversaries.

Mr. President, I urge my colleagues to do what is right for the five missing Americans, right for the 1,614 missing Cypriots, right for the 180,000 dispossessed Cypriots, and indeed what is right for America and the spirit of democracy and liberty. Join me in cosponsoring Senate bill 22.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

THE IMMIGRATION ACT OF 1989

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 358, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 358) to amend the Immigration and Nationality Act to change the level, and preference system for admission, of immigrants to the United States, and to provide for administrative naturalization, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Helms Amendment No. 240, in the nature of a substitute.

The PRESIDING OFFICER. The Chair wishes to announce that under the previous order a vote on or in relation to the Helms amendment, amendment No. 240, is to occur at 11:30 this morning, with the time for debate between now and 11:30 to be equally divided and controlled by Senator HELMS and Senator KENNEDY.

UNANIMOUS-CONSENT REQUEST

Mr. MITCHELL. Mr. President, under the agreement reached last evening, Senator HELMS was entitled to a full 60 minutes of debate on his amendment, 30 minutes last night and 30 minutes this morning. The various speakers in the morning hour extended beyond the allotted time, which means that Senator HELMS would not receive the full 60 minutes to which he is entitled on his amendment.

I have also discussed with Senator HELMS the Foreign Relations Committee wanting to complete action on the foreign assistance authorization bill.

Accordingly, Mr. President, I ask unanimous consent that the time agreement with respect to the disposition of the Helms amendment be reinstated at this point and that the Foreign Relations Committee be authorized to meet during today's session for the purpose of reporting the foreign assistance authorization bill.

Mr. SYMMS. I object.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Reserving the right to object.

Mr. SYMMS. I object.

I have been requested by another Republican colleague to object to the Foreign Relations Committee meeting, and I object.

Did the Senator have two requests in one?

Mr. MITCHELL. Yes, I did.

Mr. SYMMS. I object to the Foreign Relations Committee part of that.

The PRESIDING OFFICER. Objection is heard.

Mr. MITCHELL. Well, it is a single request.

Mr. SYMMS. I object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be 30 minutes of debate on the Helms amendment, to be equally divided between Senator KENNEDY and Senator HELMS; that the vote on the Helms amendment occur at 12:40 p.m.; that following the completion of the 30 minutes' debate, the amendment be set aside and another amendment be in order for consideration at that time; and that the vote on the Helms amendment may be on or in relation to the Helms amendment.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Reserving the right to object, and I shall not object.

The PRESIDING OFFICER. The Senator reserves the right to object.

Mr. HELMS. I have no objection.

The PRESIDING OFFICER. Hearing no objection, the unanimous-consent request is agreed to.

AMENDMENT NO. 240

The PRESIDING OFFICER. Who yields time on the amendment of the Senator from North Carolina?

Mr. KENNEDY. Mr. President, last evening both my colleague, Senator SIMPSON, and I gave a response to the amendment of the Senator from North Carolina and we are prepared to debate this issue further. But that was by and large our opinion about why this amendment should not be adopted.

I reserve the remainder of my time or I will suggest the absence of a quorum, the time to be equally divided.

Mr. President, I yield 5 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois [Mr. SIMON] is recognized for 5 minutes.

Mr. SIMON. Mr. President, I have great respect for my colleague from North Carolina, who is one of the hardest working Members of this body. But once in a while my friend from North Carolina is wrong on an amendment, and this happens to be one of those occasions where I think he is wrong.

I think he is wrong for two reasons. One is I think we should continue the fifth preference for brothers and sisters to be able to join families. It is a very, very fundamental question, whether family unification should continue to be a priority. And part of what we structured here between Senator KENNEDY, Senator SIMPSON, and myself, three of us who were members of the Immigration Subcommittee, was a compromise, and as all compromises, it can fall apart; and if the Helms amendment were to be adopted, it would fall apart.

If there is great merit to the Helms amendment, then, obviously it should be adopted, but I would urge our colleagues on both sides to listen carefully to those of us who serve on that Immigration Subcommittee before voting on this amendment.

Second, and this is a fundamental, philosophical question: Do we give preference to those who speak English when they come into this country?

We discussed this in great detail in the Senate Judiciary Committee. My amendment to knock out the English preference carried by a 12-to-2 vote. And it was one of those rare occasions when you really had a fundamental philosophical discussion. I remember very well Senator SPECTER saying: "My parents came over, they could not speak English." I remember Senator LEAHY saying that his grandfather who came over from Italy, and he could not speak English, became the largest employer in his community in Vermont.

As I look through this list of Members of the Senate, the rollcall that was just given to me, I am sure I am skipping a great many, but there are a great many Members who would not be here in the U.S. Senate today if we had had an English language preference.

I am probably like a lot of people here; I have never checked out my roots real carefully. At one time I tried to get my daughter to do it. But I know that I am some kind of a mixture of English, German, and Danish. Two-thirds of those with my predecessors could not have come to this country.

As we look down the list of Members of the Senate: Senator BENTSEN, Danish by background. That would have been excluded. Senator BOSCHWITZ, Senator COHEN, Senator D'AMATO, Senator DASCHLE, Senator DECONCINI, Senator DOMENICI, Senator DURENBERGER, Senator HEINZ, Senator INOUYE, Senator KASSEBAUM, Senator KOHL, Senator LAUTENBERG, Senator LEVIN, Senator LIEBERMAN, Senator MATSUNAGA, Senator METZENBAUM, Senator MIKULSKI, Senator MURKOWSKI, Senator RIEGLE, Senator SARBANES—and I am sure many others. Because even those who have names that

are English or Irish sounding frequently have forebears who were of some other national background.

It would be the first time in the Nation's history that we would give preference to those who speak English. My guess, in the galleries here right now, Mr. President, that a substantial number of the people in the galleries have names indicating that when their parents and grandparents came over, that they did not speak English.

I do not think we ought to be going in that direction. My hope is that we will reject the amendment offered by my friend from North Carolina, Senator HELMS, and that we follow the traditions that we have followed in the past.

So I would urge a no vote on the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. SIMPSON. Mr. President, what is the status of the allocation of time?

The PRESIDING OFFICER. The Senator from North Carolina has 15 minutes remaining. The Senator from Massachusetts has 10 minutes remaining.

Mr. HELMS. Go ahead.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, just briefly, with relation to what my friend from Illinois has said, and indeed when we get into this issue of English language—and that is all that Senator SIMON was addressing himself to—that is a very emotional thing, obviously. It is something that stirs our patriotism. Every one of us is a relative of immigrants. I cannot give you the roots of all of mine, but there were some unique characters of various ethnic groups, some awfully good people and some awfully bad people. That is the way that works, too.

But I think we ought to keep that separate. We will deal with that later. Because I think I, or someone, will be putting in an amendment with regard to English language being only one of several requirements under the point system. In a very limited way are we discussing that. Ninety-one percent of the people under this bill need speak no English at all, and they will be admitted to the United States. That is something that has to be heard in this debate, and I am going to come up with it each time it does come up. We are not becoming mean-spirited or pinched or driven. That is not our nature.

But the people who have succeeded in the United States have succeeded because, often, they came here and were involved in total immersion in English and knew nothing? We are going to leave people to float on that basis under this bill in any version, except perhaps Mr. HELMS', where only 9 percent of the people in this legislation are going to be asked to have that as one of the qualifications for 55,000 numbers under the point system. No one else is going to be required to know English in any form; period. And, unfortunately, they will be the ones who in a new computerized society will suffer the most.

I do not see what service we perform for people under a point system when we ask about their age and their skills and their qualifications and leave English out of it and think that they can succeed in a highly skilled, mechanical, computerized service society. I think that is a mistake, for Americans to believe on some basis that that is some gratuitous thing we do for them, some helpful thing.

That is a separate matter. I hope we can keep it separate. I am willing to stick with my bargain every foot of the way. We will have a separate debate on the English language portion dealing with only 9 percent of the numbers in this bill and that being one of only five requirements. I think it is something we should not just overthrow on the basis that somehow it has to do with our heritage or the Statue of Liberty or whatever it is. It is not an appropriate way, in my mind, to address the issue.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. Mr. President, I yield myself such time as I require.

The PRESIDING OFFICER. The Senator from North Carolina [Mr. HELMS].

Mr. HELMS. First off, Mr. President, let me pay my respects to the distinguished assistant minority leader, Mr. SIMPSON. He is always objective, and he is always fair. he has just stated my response to my friend and neighbor in the Dirksen Building, Senator SIMON. He has made the case splendidly. I hope we will follow his sound advice.

Mr. President, I failed to mention yesterday that the distinguished Senator from Alabama [Mr. SHELBY] is a principal cosponsor of this amendment. I ask unanimous consent that it thus be shown and that hereinafter this amendment shall be known as the Helms-Shelby amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

Mr. President, the question before the Senate is simple: What is in the best interest of America? That is a question that we often ignore at our own peril.

This idea of what is in the best interest of America was expressed by Lyndon Johnson during his 1964 State of the Union Address. Paraphrasing John F. Kennedy, Mr. Johnson stated that we should be less concerned with setting immigration policy based on what country you come from, and ask instead, "What can you do for your country?"

Mr. President, I agree with that statement. That is the reason this amendment is pending.

We must develop an immigration policy that is in the best interest of America, America as a whole, not a policy based primarily on the desire of some citizens to be reunited with distant relatives or relatives by marriage. The pending Helms-Shelby amendment is developed to help America, to help us reunit American families with their closest relatives and to help American businesses meet future labor shortage. That is what this amendment is all about.

The current immigration system is based primarily on family reunification. More than 90 percent of visas go to relatives of immigrants. Many of these visas, however, are for distant relatives—brothers in law, nieces, nephews, and so on. Obviously, this causes a tremendous chain migration problem. In fact, the backlog for these visas, called fifth preference visas, is so large that many relatives wiat in line for more than 20 years to get one.

As one columnist recently stated, we should not confuse family reunification with family reunions.

Both the Senator form Massachusetts and the Senator from Wyoming have criticized the definition of the fifth preference. In additional views to the committee bill, Senator SIMPSON said:

> The fifth preference should be deemphasized so that we may give priority to closer family members, skilled workers and other immigrants that our labor market needs. I deeply regret that the committee bill does not recognize this principle.

The Senator from Massachusetts has criticized the system for creating an illusory and false hope of family reunification. That is because relatives of some citizens wait in line for up to 20 years to enter the country. This is unfair and unwise. That is why the 1988 Kennedy-Simpson immigration bill contained a limited definition of the fifth preference, just like the pending Helms-Shelby amendment. A limited definition will help reunite American families.

The Senate is on record 3 times, in 1982, 1983, and 1988, as favoring a limited definition or complete elimination of this fifth preference.

Mr. President, the pending Helms-Shelby amendment addresses the needs of America in a second way. It increases the availability of skill-based business visas. That is to say, people who can contribute to the productivity of America.

America needs a policy that encourages skilled workers and people with exceptional abilities to come to our country. Unfortunately, our current system discourages them from immigrating beacuse there is a 1- to 3-year wait for skills-based, business-related

visas under the third or sixth preference.

As a result, American companies have difficulty recruiting highly skilled workers who have crucial knowledge of international markets and pioneer research. If a business has a need for skilled workers, and those workers cannot be found in this country, the business loses its competitive edge by having to wait up to 3 years to meet its labor needs. How do we expect America to remain competitive if our companies, who often face labor shortages in this country, can't recruit the best talent and top notch researchers from abroad?

Mr. President, the Helms-Shelby amendment is good for America because it increases the availability of skill-based, business-related visas.

The Senator from Massachusetts [Mr. KENNEDY] pointed out last night that I was one of four Senators who voted against the 1988 bill. He was right about that, and I did so for a number of reasons.

First, the 1988 bill did nothing whatsoever to increase the skill-based, business-related visas. But in the pending Helms-Shelby amendment, we provide an increase of 37,200 of these visas.

Second, the 1988 bill had a mechanism that automatically increased the national level by up to 5 percent upon the President's recommendation and without an affirmative vote by the Congress of the United States. The Helms-Shelby amendment drops this very unwise delegation of congressional authority to the executive.

Finally, I was opposed to the national level of 590,000 provided by the 1988 bill. The fact that the Helms-Shelby amendment provides a national level of 600,000 indicates that I have gone as far as I can to develop an amendment that genuinely helps America. Lyndon Johnson was right when he paraphrased John Kennedy about doing something for America, and that is what this amendment will do.

In summary, Mr. President, let me reiterate the major points of the Helms-Shelby amendment. First, this amendment limits the definition of the fifth preference, without reducing the number of fifth preference visas. Frankly, I agree with Senator SIMPSON—I would prefer to eliminate the fifth preference entirely.

Second, this amendment increases the business visas without increasing the overall national level. Third, we retain the power of Congress to set immigration policy instead of allowing any President, whoever he may be, to usurp that authority.

The current bill allows for an automatic increase of up to 5 percent in the level of immigration upon the President's recommendation.

Finally, the Helms-Shelby amendment retains the points for English language that were included in the point system in the original version of the bill.

I urge my colleagues to vote for the pending Helms-Shelby amendment and the best interest of America.

I reserve the remainder of my time.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 9½ minutes remaining.

Mr. KENNEDY. Mr. President, I yield myself 4 minutes.

Mr. President, as I said last evening, I want to commend the Senator from North Carolina for the amendment which he has brought to the Senate, although I oppose it, as the Senator from Wyoming does. He proposes an amendment with a national ceiling of 600,000. That is what we support. The position he illuminated on the floor last evening and today is a far different position from where he was last year when he was one of four Senators who voted against a bill which remains the basic core package before the U.S. Senator today.

The compromise bill which we recommend follows along the recommendations of the 1981 Select Commission which made recommendations which the Senate has accepted and adopted in the 1986 legislation, and the principal sponsor was the Senator from Wyoming [Mr. SIMPSON]. That was half of their recommendations.

They also made a series of recommendations dealing with the legal immigration policy. By and large the bill before us incorporates most of those recommendations, although we have made some adjustments and changes on the basis of various proposals that have been made before our subcommittee.

But, Mr. President, the Senator from North Carolina says he wants greater attention to skills. We have provided greater priority to skills in the third and sixth preference as well as the new independent category. We have not gone all the way that the Senator from North Carolina might like to go with his amendment, although we feel we have addressed that issue—a balance between family reunificiation and new skills, a lot more attention on new skills, but we also retain the historic priority that this Nation has placed on immigration policy and that is in the reunificiation of families.

We have had diversity in our committee about how that best can be done. Should preference be given to small children or should we consider the extended family, the larger family. We have debated and discussed that matter, and we find, Mr. President, or at least I am convinced that those individuals who are going to be most impacted by immigration policy strongly support the concept that is built into the fifth preference. I think that is a matter open to debate and discussion. But we have made a cut on that.

So, Mr. President, I do feel, with all due respect to the observations of the Senator from North Carolina, that our bill already represents an appropriate balance between, one, the reunificiation of families, which has always been a priority of our immigration policy, and two, a more significant emphasis on individuals who can make a contribution to this country in terms of additional skills. That is basically the legislation which is before us.

As we mentioned before, there are areas which I would, if I was fashioning the legislation, fashion it somwhat differently. The Senator from Wyoming has indicated he would do the same. But I have no hesitancy in recommending this bill. It is a sound proposal and it deserves support.

So I hope that our colleagues will vote in opposition to the Helms amendment. I think the compromise bill which is before the Senate is a more worthwhile, valuable, and justifiable immigration policy.

Mr. President, I am prepared to either reserve the remainder of my time or to suggest the absence of a quorum, the time evenly divided.

The PRESIDING OFFICER. The Chair seeks direction from the Senator from Massachusetts and the Senator from North Carolina. The Senator from North Carolina has 4½ minutes remaining, the Senator from Massachusetts has 5½ minutes remaining. Does either wish to yield time at this time?

Mr. HELMS. Mr. President, let me give another summary of what the Helms-Shelby amendment does and what it does not do. I want to underline and emphasize as greatly as I can, that it is time to do something for America.

First, we need a legal immigration policy that serves America and encourage skilled people to come to our country. If you want to do something for America, you should vote for the Helms-Shelby amendment.

The Helms-Shelby amendment increases business visas by the 37,200 without increasing the cap. The skilled-based visas now account for only 10 percent of all visas. I am sure every Senator is hearing pleas for more skill-based immigrants from business and industry in his or her State.

Second, the Helms-Shelby amendment gives points for English language ability in the point system.

Third, the Helms-Shelby amendment does not—does not—reduce the number of fifth preference visas during the first 3 years. After the third year, the number is reduced by 20,000, but this will leave almost 45,000, which is twice as much as provided in last year's Kennedy-Simpson

bill. Furthermore, the Senate voted in 1982 to eliminate this fifth preference completely.

In 1988, last year, the Senate voted by 88 to 4 to limit the number of fifth preference visas to 22,000. The Helms-Shelby amendment now pending is more generous than both of those bills. So as Senator SIMPSON said, there is nothing mean spirited about the American people, and there is nothing mean spirited about efforts to try to come up with immigration legislation that will be beneficial to America.

I close as I began. Lyndon Johnson was exactly right when he said that our immigration policy should be based on what is best for America. I submit, Mr. President, that the pending Helms-Shelby amendment is better for America than the underlying bill.

I yield the floor. I reserve what little time I may have remaining.

The PRESIDING OFFICER. All time of the Senator from North Carolina has expired.

Mr. HELMS. I thank the Chair.

Mr. KENNEDY. How much time do I have?

The PRESIDING OFFICER. The Senator has 5½ minutes.

Mr. KENNEDY. I yield to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, let me very briefly respond to my friend from North Carolina saying we are in agreement that immigration policy ought to be based on what is best for America. That is given. That is fundamental. But the question is how do you best serve this country in immigration policy? We do not need sweeping changes in immigration policy because one person abuses it in New York. I do not know anything about the case that he cited but there are other ways of dealing with that. But if you take a look at who is winning national merit scholarships, who the young people are who are coming up at the very top of their class frequently these days, frequently it is Asian young people, people who were brought in under family preference, and people who would be excluded frequently if you had that English language preference.

I hope my colleagues will join Senator KENNEDY and Senator SIMON in voting against the Helms amendment.

Mr. SHELBY. Mr. President, it is with great pleasure that I join the distinguished senior Senator from North Carolina in offering this amendment to the immigration bill presently being considered by the Senate. I want to make it clear that this amendment does not reduce the national level of 600,000 contained in the Kennedy-Simpson bill. The Helms-Shelby amendment would increase immigration in the independent category and would hold the overall level of family based immigration levels at current levels. The Helms-Shelby amendment would increase the present third and sixth preferences in excess of 35,000. I strongly believe that one of the objectives of our immigration policy should be to increase the number of immigrants who would come into this country because of greater skills. This is in our national interest.

The Helms-Shelby amendment would also retain the points for English language that were included in the point system in the original version of the bill. I also strongly believe that this is in our national interest. This is not a perfect amendment, but I submit that it does provide a more reasoned and superior balance than that contained in the Kennedy-Simpson bill. I urge my colleagues to support the Helms-Shelby amendment which will make the legislation before us a better product.

Mr. KENNEDY. Mr. President, we are moving to the end of the debate and discussion. I will just point out to the Members what, in effect, the Senator from North Carolina basically does. After the 3 years, he reduces the fifth preference by 20,000. He increases the third preference from the 27,000 to 46,000. This is the change. That is 20,000 for higher skills but he reduces the selected immigrants which is the point system which are the more highly skilled by 14,000.

So with this marvelous presentation about what is good and what is not good is basically moving some numbers around with the requirement that the Senate consider immigration policy 3 years from now, and penalizing those families which want to be reunified.

We all understand the long lines that exist in terms of certain countries. We are not able to address that as completely as some of us would like. But nonetheless, Mr. President, I believe that our proposal is a significant improvement over the one that is being offered by the Senator from North Carolina. And I hope at the appropriate time that it would be rejected.

Mr. President, I am prepared to yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back and, therefore, all time has expired.

Under the previous order, the Helms amendment, amendment No. 240, is to be set aside with a vote to occur in relationship to the amendment at 12:40 p.m.

Mr. KENNEDY. Mr. President, we are open for further amendments.

The PRESIDING OFFICER. The pending question is the committee substitute to the bill.

Mr. KENNEDY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, to try to give the Members some idea of the way we are proceeding, we hope we can address some of the concerns of Senator GORTON and certain of those of Senator MURKOWSKI prior to the time of the 12:40 vote. After that vote, we are hopeful that we can recognize the Senator from Pennsylvania [Mr. SPECTER] who will be at the Hastings hearing. Perhaps we can deal with his amendment prior to the resumption of that hearing around 1 o'clock today. He is to start the debate and discussion on it. Then it is our hope that around 2 we will address the amendment of the Senator from Arkansas [Mr. BUMPERS]; and then following that, the amendment of the Senator from Utah [Senator HATCH]; and then there will be the amendment of the Senator from Wyoming at some time right after.

Those, by and large, are the amendments which we have in hand. If there are Members that have other amendments, we hope that they will contact us. I know the Senator from New York [Senator MOYNIHAN] has an amendment dealing with Burmese students. So we are moving along, and we have been working with our colleagues. We are glad to either debate the legislation or consider those amendments, and a number of amendments are being worked out; but I hope that if there are those who do have amendments, that they will come to the floor and offer those amendments, so that we can deal with them and permit the Senate to move on to some other important business.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. I thank my good colleague for reviewing that. Apparently, Senator GRAMM has an amendment and perhaps Senator ARMSTRONG. I am not aware of the content.

So at least we know generally, and perhaps, as the Senator and I have discussed, at some time during the day, we will try to seek a unanimous-consent agreement that we close off any further amendments, because certainly people have been well aware that this bill was at the desk. So we certainly should have that ability, and I will notify my colleagues on this side of the aisle to please advise me of any amendments on this bill, preferably at the next rollcall vote, and we will be prepared then to include the time. I believe Senator CHAFEE may have an amendment. Then we can begin to set our agenda. I thank my colleague.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. CHAFEE. Mr. President, the distinguished comanager of the bill, Senator SIMPSON, and I have been working on an amendment that I had, and I wish to work with him further on that. Is there intention to have a quorum call now? If so, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SHELBY). Without objection, it is so ordered.

AMENDMENT NO. 241

Mr. MURKOWSKI. Mr. President, I send an amendment to the desk in the form of a sense-of-the-Senate resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI], proposes an amendment numbered 241.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following new section:

SEC. . TASK FORCE ON STUDENTS FROM THE PEOPLE'S REPUBLIC OF CHINA IN THE UNITED STATES.

(1) ESTABLISHMENT.—It is the sense of the Senate that the President shall establish a task force to be known as the Task Force on Certain Nationals of the People's Republic of China in the United States (hereafter in this section referred to as the "Task Force"), composed of the Secretary of State (or his designee), who shall be the chair of the Task Force and representatives of other relevant agencies, as determined by the Secretary of State.

(2) DUTIES AND RESPONSIBILITIES.—The Task Force shall carry out the following duties and responsibilities:

(A) Taking into consideration the situation in the People's Republic of China, the Task Force shall assess the specific needs and status of citizens of the People's Republic of China who were admitted under nonimmigrant visas to the United States.

(B) The Task Force shall formulate and recommend to the Congress and the President policies and programs to address the needs determined under subparagraph (A).

(C) The Task Force shall establish directly or indirectly a clearinghouse to provide those Chinese citizens described in subparagraph (A) and United States Institutions of higher education with appropriate information including—

(i) public and private sources of financial assistance available to such citizens:

(ii) information and assistance regarding visas and immigration status; and

(iii) such other information as the Task Force considers feasible and appropriate.

(3) REPORTS.—(A) Not later than 60 days after the date of enactment of this Act, the President shall submit to the Congress a report on the status and work of the Task Force.

(B) Not later than May 1, 1990, and every 90 days after the establishment of such Task Force, the President shall submit to the appropriate committees of the Congress a report prepared by the Task Force, which shall include—

(i) recommendations under paragraph (2)(B); and

(ii) a comprehensive summary of the programs and activities of the Task Force.

(4) TERMINATION.—The Task Force shall cease to exist 2 years after the date of enactment of this Act.

Mr. MURKOWSKI. Mr. President, the purpose of the amendment specifically is to establish a task force to assess the changing needs of Chinese citizens who have entered the United States on a nonimmigrant visa. The provision creates a task force to formulate and recommend to Congress and the President additional actions that may be needed as a consequence of the changing needs of the Chinese students in the United States as our relationship with the People's Republic of China unfolds.

It would basically establish a clearinghouse for students to obtain information relative to public and private financial assistance sources and information and assistance regarding visas, immigration status, et cetera.

The task force would be required to submit a report to the President within 60 days regarding the status of the work of the task force in their oversight responsibilities; by May of 1990, and every 90 days thereafter, the task force will submit a report to Congress and the administration detailing actions that may need to be taken and summarizing programs and activities of the task force.

The task force would have a termination date 2 years after enactment and I might add that this is language that is similar to what is in the House bill. This amendment would however be, a sense-of-the-Senate amendment on the pending bill.

In conclusion, Mr. President, the situation in China is very fluid. It is important that we base future decisions regarding efforts to help Chinese students in our country on solid information as the situation in the People's Republic of China evolves.

I have cleared this, I believe, satisfactorily with the managers of the bill, Senator KENNEDY and Senator SIMPSON. I ask their support at this time.

Mr. KENNEDY. Mr. President, I commend the Senator from Alaska for bringing this matter to our attention. There are ample precedents for this kind of action. I would certainly hope that not only do we get a sense of the Senate, but it would be a sense of the administration as well.

As the Senator probably remembers, at the time that we had the original Indochinese refugee crisis in 1975, a similar task force was developed under Julia Taft at that time in the Ford administration. It was very, very effective in terms of responding to the kinds of issues which the Senator has mentioned.

I think that that kind of a coordinated effort brought together within the administration would be something that would serve those young people here who in many instances have had their lives disrupted and are at a very critical period of their lives in terms of making decisions and would need information to be made available to them that could be extremely useful.

So I commend the Senator for the amendment and urge my colleagues to support it. I am sure they will. I think it is very worthwhile.

I want to give him the assurance that members of the Subcommittee on Immigration and Refugee Affairs will look forward to working very closely with that task force, reporting back to the Senate if there are things that we find that can be and should be done to help respond to their very important and significant needs of the students.

Mr. SIMPSON. Mr. President, as the comanager of the legislation, I appreciate very much working with Senator MURKOWSKI and appreciate his willingness to present this as a sense-of-the-Senate provision. It shows his caring nature and that is something we learned about the Senator from Alaska.

I think he has visited, too, with his students at the University of Alaska and other institutions, as I have done at the University of Wyoming. We have 80 Chinese students at the University of Wyoming, which is rather surprising for our population and the enrollment at the university. I met with them last weekend. A remarkable group. They are in a sensitive, sensitive area.

You know that this Government will be watching very closely what is happening in the People's Republic, how they are being dealt with, whether they have a fear of return, whether some may seek asylum. And, of course, any of those seeking asylum will be, and I think their families would be, in a rather somewhat more perilous condition in the mainland.

So we will keep in close touch. We will assess these issues. The recommendations are worthwhile. The reporting structure under the sense of the Senate is rather complete. In fact it may be burdensome, I do not know, every 90 days.

But, in any event, what we did with Senator MITCHELL's and Senator DOLE's proposal yesterday, what the

House has done with their proposal last week, a week ago, and what the administration will do—an administration that is probably more aware of things in the People's Republic than any administration we have ever had because of the President himself serving as an Ambassador to the People's Republic. I think this is an acceptable step.

I assure the Senator from Alaska that in my capacity as ranking member of the Immigration and Refugee Affairs Subcommittee that I will certainly assist Senator KENNEDY and I know he will be ever alert to what it is we do on a month-by-month basis with these remarkable students that we are very pleased to have in our country and they are a resource that we must care for. I thank the Senator from Alaska for doing that.

Mr. MURKOWSKI. Mr. President, I thank my two colleagues, the Senator from Massachusetts and the Senator from Wyoming. I think that we have all experienced, particularly over the recess, the opportunity to meet with Chinese students at our respective universities. I had the opportunity to meet with several Chinese students studying at the University of Alaska in Fairbanks, University of Alaska-Anchorage, and Alaska Pacific University. I was left with a clear sense of the tremendous void they feel as far as their personal situations are concerned. Some of the students I met had just graduated, and had planned to go back to China, but now find themselves unable to go back to China. They face problems seeking employment in this country due to the status of their visas. I understand my colleague from the State of Washington has legislation to address this particular problem. Our dialog with these men and women made us aware of the responsibility we in Congress have.

Under the amendment the Secretary of State or his designee, who will be the chair of the task force, will have the responsibility of coordinating information and policy recommendations so that those some, I believe, 40,000 Chinese students can be assuranced that their interests are being taken to heart by the Congress and the administration just as we have a responsibility to the citizens of our country as well. It is the hope of this Senator that this amendment will serve that purpose to act and coordinate information accurately and timely to these students.

Mr. SIMON. Will my colleague yield?

Mr. MURKOWSKI. I am happy to yield to my friend from Illinois.

Mr. SIMON. I do not oppose your amendment, but I thought I heard the Senator from Alaska refer to this as a sense-of-the-Senate resolution.

As I read the amendment, I do not——

Mr. MURKOWSKI. The amendment has been changed to a sense of the Senate to accommodate the floor managers.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment of the Senator from Alaska.

The amendment (No. 241) was agreed to.

Mr. KENNEDY. I move to reconsider the vote by which the amendment was agreed to.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Washington.

VOTE ON AMENDMENT NO. 240

The PRESIDING OFFICER. Under the previous order, the hour of 12:40 having arrived, the question is on agreeing to the Helms amendment, amendment No. 240, which was temporarily set aside. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. MCCAIN] is necessarily absent.

The result was announced—yeas 27, nays 71, as follows:

[Rollcall Vote No. 106 Leg.]

YEAS—27

Armstrong	Garn	Nickles
Bond	Helms	Pressler
Burns	Hollings	Roth
Byrd	Humphrey	Rudman
Coats	Kassebaum	Shelby
Cohen	Lott	Stevens
Dole	Lugar	Symms
Ford	McClure	Thurmond
Fowler	Murkowski	Wallop

NAYS—71

Adams	Exon	Mack
Baucus	Glenn	McConnell
Bentsen	Gore	Metzenbaum
Biden	Gorton	Mikulski
Bingaman	Graham	Mitchell
Boren	Gramm	Moynihan
Boschwitz	Grassley	Nunn
Bradley	Harkin	Packwood
Breaux	Hatch	Pell
Bryan	Hatfield	Pryor
Bumpers	Heflin	Reid
Burdick	Heinz	Riegle
Chafee	Inouye	Robb
Cochran	Jeffords	Rockefeller
Conrad	Johnston	Sanford
Cranston	Kasten	Sarbanes
D'Amato	Kennedy	Sasser
Danforth	Kerrey	Simon
Daschle	Kerry	Simpson
DeConcini	Kohl	Specter
Dixon	Lautenberg	Warner
Dodd	Leahy	Wilson
Domenici	Levin	Wirth
Durenberger	Lieberman	

NOT VOTING—2

Matsunaga	McCain

So the amendment (No. 240) was rejected.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The next order of business before the Senate is the Gorton amendment. The Senator from Washington is recognized.

AMENDMENT NO. 242

(Purpose: To grant permanent residence status to certain nonimmigrant nationals of the People's Republic of China)

Mr. GORTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for himself, Mr. KASTEN, Mr. DOMENICI, Mr. WILSON, Mr. COHEN, and Mr. GRAMM, proposes an amendment numbered 242.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title III of the bill, relating to the status of students from China, add the following new section:

SEC. . GRANTING PERMANENT RESIDENCE TO CERTAIN NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) GRANTING OF PERMANENT RESIDENCE STATUS.—(1) Subject to paragraph (a)(2), nationals of the People's Republic of China described in subsection (b) shall until June 5, 1992 be held and considered to be lawfully admitted to the United States for permanent residence for purposes of the Immigration and Nationality Act upon the payment of the required visa fees and, where applicable, upon the termination of any membership in the Communist party of the People's Republic of China and any subdivision thereof, and renunciation of communism.

(2) On or after June 5, 1990, the Attorney General, after sixty (60) days following the date that the President determines and so certifies to the Congress that conditions in the People's Republic of China permit Chinese nationals to return to that country in safety, may terminate the authority to grant the status described in this subsection (a) to any national of the People's Republic of China who has not submitted on or prior to such date of termination substantially all documentation and supporting materials as may reasonably be required by the Immigration and Naturalization Service.

(b) ELIGIBILITY.—An alien entitled to the status granted by subsection (a) is a national of the People's Republic of China—

(1) who was admitted to the United States as a nonimmigrant alien before June 5, 1989, under subparagraph (F) (relating to students), subparagraph (J) (relating to exchange visitors) or subparagraph (M) (relating to vocational students) of section 101(a)(15) of the Immigration and Nationality Act, and who held a valid visa under any such subparagraph as of that date;

(2) who has resided continuously in the United States from the date of admission until payment of the required fees, except for brief, casual and innocent absences; and

(3) who is otherwise admissible to the United States for permanent residence.

(c) APPLICATION OF EXISTING LAWS.—The provisions of this section shall be applied notwithstanding—

(1) section 201 of the Immigration and Nationality Act (relating to numerical limitations);

(2) section 202 of that Act (relating to numerical limitations for any single foreign state);

(3) section 245 of that Act (relating to the adjustment of status of nonimmigrants to that of persons admitted for permanent residence);

(4) subparagraphs (C) and (D) of section 212(a)(28) of that Act (relating to membership in the Communist party or advocation of communism), to the extent that any national of the People's Republic of China eligible for permanent residence pursuant to this section shall not have had significant and active involvement or participation in the Communist party of the People's Republic of China or any subdivision thereof since June 5, 1984;

(5) where applicable to nonimmigrants under section 101(a)(15)(J) of that Act, the two-year foreign residence requirement contained in section 212(e) of that Act; or

(6) any other provision of that Act.

(d) PERIOD FOR VALIDITY OF VISAS.—Notwithstanding any other provision of law, any visa which is described in paragraph (b)(1) and which is valid as of June 5, 1989, shall be deemed to be valid through the earlier of June 5, 1992, or the date the Attorney General has terminated in accordance with the provisions of this section the authority to grant the status described in subsection (a).

(e) EMPLOYMENT AUTHORIZATION.—Any national of the People's Republic of China eligible for permanent residence pursuant to this section shall be granted authorization to engage in employment in the United States and shall be provided with an employment authorization document or other work permit upon request.

(f) SHORT TITLE.—This section may be referred to as the "Emergency Chinese Permanent Residence Status Adjustment Act of 1989."

Mr. GORTON. Mr. President, this amendment addresses the same subject as that covered by the previous sense-of-the-Senate resolution by the Senator from Alaska and of the leadership amendment which was agreed to yesterday. It is not in any respect designed to constitute a criticism of the Mitchell-Dole amendment, which was added to this bill yesterday, but to add on to and strengthen that proposal.

The two leaders in their amendment yesterday provided for up to a 3-year stay of any deportation aimed at classes of Chinese students in the United States. It allowed for time for Chinese students to look for and to apply for other or more suitable nonimmigrant or immigrant visas. And it allowed work authorization for those students who did apply for a change of status, though not for those who failed to do so.

My inclination is that we should go further, in the interests of the students, in the interests of encouraging democratic change in the People's Republic of China, and in the interests of the United States.

The amendment, which I have before the Senate at this point, combines the strongest features of yesterday's leadership amendment and the provisions of S. 1209, which a dozen or so of us introduced back on June 20.

First, a description. It includes the following features.

Chinese students and exchange visitors, that is to say those persons holding F, J, and M visas, are covered by the amendment. In this case, it is identical to the Mitchell-Dole amendment to this bill of yesterday.

It is, however, limited to those persons in the People's Republic of China in these categories who were in the United States on that key date, the 5th day of June, 1989. It is not open-ended and does not apply to those who have come to the United States since that date.

What it does for that group of people, who I understand number somewhere between 65,000 and 75,000, is to allow them a period of 3 years from June 5, 1989, or until 60 days after the President of the United States certifies to the Congress that it is safe for Chinese nationals here in this country to return to China, to apply for a permanent residence in the United States with the ultimate right to become citizens.

That right for permanent residence cannot be terminated any earlier than June 5, 1990, 1 year after the repression of the Chinese democratic movement in Tiananmen Square in any event, even by Presidential certification.

It also goes somewhat beyond the Mitchell-Dole amendment in creating an immediate right to work on behalf of all of these Chinese visitors if they are eligible for permanent residence, not simply in consequence of an application actually having been made.

I want to emphasize that this allows each of these Chinese students to choose whether or not to apply for permanent residence. Any of those who have concerns or fears that such an application would have adverse impacts on his or her family in China need not apply and need not change their status in any way whatsoever. That will be a decision that each student makes for himself or herself.

This, like the Mitchell-Dole amendment, waives the 2-year foreign residence requirement for J visa holders who apply for permanent residence.

It does something else which was not covered, perhaps inadvertently, by the Mitchell-Dole amendment. It provides that mere membership in the Communist Party of the People's Republic of China—which, of course, is a membership which, particularly some of the older students hold simply as a condition of their having been able to come here at all—absent significant and active participation or involvement within the past 5 years, does not preclude a grant of permanent residence.

However, before being granted that right, any PRC national must terminate any membership in the Communist Party of the PRC and must expressly renounce communism.

As I said, the Mitchell-Dole amendment does not cover that subject at all.

What are the fundamental reasons for wishing to go beyond the leadership amendment and to make this kind of offer to these Chinese students? It seems to me that there are three important, if not overriding considerations for this type of treatment of our Chinese student visitors. The first is that they may have a degree of security, a feeling of security which not even the Mitchell-Dole amendment can actually bring them because that, still, puts deadlines on how long they can stay in the United States, as generous as those deadlines are.

If we truly wish to offer to these leading Chinese young people the opportunity to lead a democratic movement for China, outside of China, without feelings or concerns that there will be personal retribution that can be exacted against them, we need to give them a situation in which they feel secure in their presence here in the United States.

So, in order to allow some of those students at least to provide leadership for a movement for democracy in China, some permanent status offer is appropriate and necessary.

Second, Mr. President, I do not believe that there is a single Member of this body or, for that matter, of the House of Representatives of the Congress of the United States, who has not considered what sanctions may be appropriate with respect to the People's Republic of China in connection with its brutal repression of the movement for democracy in Beijing on June 5 of this year and on succeeding dates.

The administration has imposed some economic sanctions. Many Members of this body have proposed additional economic sanctions, all of which are lacking in any truly positive impact on the People's Republic of China because they simply do not have that degree of leverage over actions in the People's Republic.

In fact, most of the economic sanctions which were proposed would simply offer to other competing trading nations opportunities which the United States has at the present time. The single most effective sanction which the United States of America can take to encourage democracy in

the People's Republic of China, Mr. President, is to threaten the People's Republic of China with the deprivation of the services of tens of thousands of its talented young people. That is the group of people we are talking about.

Already highly trained and educated, already highly motivated, they have come to the United States—in some cases they have been sent to the United States by a more liberal Government of the People's Republic of China—to enhance their skills in order to serve the future development of the People's Republic of China itself.

If that Government is deprived of the services of these tens of thousands of highly skilled and motivated Chinese, if it is deprived even of the service of even a percentage of them, its own economy, its own growth, its own development will suffer. If we as Members of this body are truly interested in imposing a condition, a cost on the Government of the People's Republic of China for its repressive actions, if the Members of this body are really concerned about providing a motivation to that government to liberalize to at the very least have an amnesty, to take actions which will cause those students to wish to return to the People's Republic of China and to help develop it, this is the best single step we can possibly take to encourage such a course of action.

Mr. COHEN. Will the Senator yield?

Mr. GORTON. He will.

Mr. COHEN. Mr. President, as a sponsor of one of the bills that has been introduced in the Senate to protect students from the People's Republic of China from being forced to return to their homeland, I want to express my support for the pending amendment.

Yesterday, the Senate unanimously approved an amendment offered by the leadership that addresses many of the immediate concerns of the Chinese students—the waiver of the 2-year residency requirement for "J" visa holders, allowing Chinese nationals to remain in lawful status for purposes of adjusting their status, and creating a presumption that the deferment of enforced departure will extend through June 1992. While I supported the amendment and believe it is an important first step, I also believe we need to go further in providing permanent relief to Chinese students who wish to remain in the United States.

The deferral of enforced departure is a commendable but inadequate solution for the Chinese students who fear the fate that awaits them upon their return to their native land. And, it does not send a sufficiently strong message to the Chinese Government—a message that if it continues the current repressive campaign it will not see the return of thousands of its best and brightest students, scholars, and others who may choose to remain in the United States.

The killing and wounding of thousands of Chinese students and workers, the imposition of martial law, and the ongoing nationwide roundup of prodemocracy demonstrators in the People's Republic of China are part of a brutal campaign of persecution against student leaders and others who have bravely demonstrated their peaceful commitment to democracy and human rights.

Thousands of Chinese students in the United States have spoken out and demonstrated in support of the prodemocracy forces in China. As a result, they would be in imminent danger of arrest or persecution upon their return to their native country. Humanitarian concerns require that we ensure that these individuals be permitted to remain in this country and not be forced to return to China.

The pending amendment offered by Senator GORTON will permit Chinese students to immediately apply for and be granted permanent residence status in the United States. It, therefore, achieves several important goals. Building on the relief authorized by the amendment adopted yesterday, it provides the students with a range of options that will enable them to plan their future and get on with their lives.

The amendment will also preserve the freedom of Chinese students in the United States to continue to speak out and work on behalf of prodemocracy forces in China. Chinese students across the country have been harassed and have received threatening phone calls in an attempt to silence them. A recent article in the Boston Globe describes some of the incidents. I ask unanimous consent that it be included in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. COHEN. Mr. President, unless we make a firm commitment to the students that they will be permitted to remain in the United States, the Chinese Government's campaign of harassment and threats will be able to silence the voices of democracy, not only in China, but among Chinese students in the United States.

Finally, the amendment sends an unmistakable message to Chinese authorities that their students will not be returning unless the Government adopts real and substantial reforms. Until we provide the students with permanent relief, China may be confident that, ultimately, it will get them back.

In conclusion, I urge my colleagues to vote in support of the amendment. It will insure that those who fear returning to China and wish to remain in the United States will have an opportunity to do so. To do otherwise, forcing these individuals back into the hands of the Chinese Government, would be both cruel and inhumane, and would violate our country's sacred tradition of offering protection to people persecuted in their native countries.

EXHIBIT 1

CHINESE STUDENTS HERE TELL OF THREATS

(By Mark Muro)

Five weeks after the Chinese government suppressed the pro-democracy movement, Chinese students in the Boston area say a wave of harassment and mysterious telephone calls has sent a new chill through their ranks.

Several students assert that they have been visited by diplomats from the Chinese consulate in New York warning them to keep silent or asking the names of students who have participated in antigovernment activities.

A window was broken two weeks ago at the China Information Center at Newton's Walker Ecumenical Exchange, which has monitored events in China for the past several months. And for weeks, Chinese students have complained that they have received dozens of threatening calls and warnings not to speak, making them fearful for their futures and for their families at home.

Virtually all the students believe the Chinese government is behind the threats.

"They are watching us, they have eyes and ears here," said Jing Huang, a Harvard graduate student. He said he has given the FBI office in Boston and Somerville police tapes of five violent warnings he received on his answering machine from an anonymous caller with an Asian voice.

Pei Mingxing, another Harvard student who said he was visited recently by an official from the Chinese Consulate in New York, expressed anger at what he termed efforts by his government to silence student protest here.

"Sure, it could be crank calls, but I do not think so," he said yesterday. "The Chinese are very subtle: They don't say, 'If you appear on TV again your family will be shot.' Instead, they came into my apartment and politely said, 'You know, this could be surmised as treason.' So I am very worried."

Officials at the Chinese Consulate in New York yesterday denied they were harassing students.

Zhang Xiaoping, an education officer at the consulate, said yesterday, "so far we haven't done anything to our students. We have never sent anyone to Boston to do anything."

On Friday, Liang Jiang, vice consul, said, "there is no official order to say such things. It cannot be imagined."

The Boston episodes come in the wake of similar reports from around the country and after news reports that Chinese officials have videotaped student demonstrations in San Francisco, Los Angeles and Washington and shown up at a student dorm at the University of New York at Stony Brook inquiring after the names of activists.

State Department spokesman Richard Boucher had no comment on the student allegations at a news conference yesterday. But the Boston students have now joined others in Washington, New York and California who have reported harassment.

In Newton, Yian Liu of the China Information Center said the Center has received 20 or more calls in the past few weeks "saying things like 'Don't do too much, or you'll be killed.'"

At the Massachusetts Institute of Technology, a politically active graduate student in physics said he has avoided meeting with friends, fearing he would get them into trouble, after a consular official telephoned him last week requesting the names of fellow student activists.

Pei said he was first visited by a Chinese official in May, before the student demonstrations in Tiananmen Square. He said the official stayed 2½ hours "politely" chastising him for the "nonsense" of predicting on TV that the government would "machine-gun the students" if they demonstrated.

He said in recent weeks he has received five or six threatening phone calls and has since changed his address, taken an unlisted phone number and ordered a postbox.

A spokesman for the FBI office in Boston had no comment on whether it was investigating Pei's complaints of harassment.

CONSUL OFFICIAL SEEKS NAMES

Another graduate student at Brandeis, who also asked not to be named, said a New York consulate official called on several students in Cambridge and Newton during the past two weeks seeking names of organizers of rallies here and in Washington.

"They wanted to know who participated," he said, "but all we said is there are many, many of us. Never would we tell them a single name."

In Somerville, Huang, a 32-year-old political scientist, said his troubles began on June 8 after he returned to the United States from China and appeared on the "MacNeil-Lehrer NewsHour" describing the crackdown.

After midnight the next night, hours after another appearance on Channel 56, a message was left on his answering machine in thickly accented English saying "Hi. Congratulations. I hope you can earn more money and be a very important guy."

Three days later, after taping another television interview, he said he received a second message in Chinese:

"Jing! Be careful. Be very careful," the caller said.

OMINOUS MESSAGES

The next night, he said, he received a similar message: "Must be very careful. Why did you do such bad things? If you continue, be careful about yourself and your family."

Later he found two more messages, including one in which the caller said: "You jerk! You jerk! We'll beat you up. Shame on you."

Huang, who played the messages last week for a Globe reporter said he is convinced the Chinese government is responsible for the calls.

Zhang of the Chinese consulate denied the charge. "So far we haven't taken any names or spoke to anyone like that," he said.

However, the students said they found little reassurance in the government denials.

Students, intelligence experts and American China-watchers alike note that fears of surveillance, name-taking, social control are well-founded regarding Chinese presence in the United States.

MANY AGENTS IN US

Just months ago, FBI and other military counterintelligence officials in Los Angeles issued a report disclosing that Chinese espionage agents had surpassed the Soviets as the most active foreign spies in California. And sources close to Chinese educational officials in New York confirm that the Chinese consulates keep a file on all 40,000 students at work in the United States, complete with computerized data on addresses and names and political activity.

Fueling fears among students and American experts alike is the widely held assumption that the Chinese government has attempted to maintain discipline among its American students by planting informers among them.

"There are always students among the others who keep tabs and report on their peers, in many cases quite secretly," said China scholar David Zweig of the Fletcher School of Diplomacy at Tufts University.

But for the students themselves, fears run beyond the educational apparatus. Said Huang: "The education people watch us, but there are other fish—spies and agents—still in the water."

Mr. GORTON. Mr. President, my amendment takes off from and builds upon the leadership of the Mitchell-Dole amendment of yesterday. That Mitchell-Dole amendment provided certain extended departure rights for Chinese students, allowed them to work under more liberalized circumstances than is the case at the present time, and all is a positive step forward with respect to some 65,000 or so Chinese students and exchange people here in the United States.

It seems to me, however, that both in the interest of democracy in China and in the interest of the United States, the selfish interest of the United States, we should go further. And put quite simply, the amendment which I have before you would grant the right to apply for permanent residence for all of these Chinese students and exchange visitors here in the United States. It does not give that permanent status automatically. It requires them to apply for it.

It also grants the right to work for all persons who are eligible to apply for this permanent residence during the period of time they would be here even under the Mitchell-Dole amendment.

I outlined two of the three goals for which I felt this amendment was needed. Very briefly, the first was to provide some form of long-term security to those Chinese students themselves who wished to be leaders in the campaign for democracy in China. At this point, and even after the adoption of the Mitchell-Dole amendment, of course any Chinese student who becomes a leader here in the United States, who speaks out, can have his or her name spoken and is threatened with the proposition that he or she may someday have to return to China and could thereafter be disciplined by the Government of the People's Republic of China.

The second and even more important reason for the passage of this amendment is that it is the most effective single sanction which we can impose on the People's Republic of China for its brutal repression of the democracy movement in Beijing on the 5th of June, and the greatest single sanction which can cause the Chinese Government to change its mind, and at the very least to offer an amnesty to those who were involved in the democracy movement because failure to do so should my amendment become law will cost the People's Republic of China a number of thousands, perhaps even tens of thousands of its most brilliant young people. China's future, to a very considerable degree, is here in the United States right now in the persons of those citizens of the People's Republic of China who are already well educated, and who are increasing their education and their skills in various places here in the United States.

The loss of those people for the People's Republic of China will indeed be a severe loss, and even the threat of their loss will be far more effective than any economic sanction we can impose in causing some liberalization, at least some liberalization, in the People's Republic of China itself.

The third reason which I was unable to get to before the rollcall intervened is a selfish American reason. This offers the United States of America the chance to seize a foreign asset of great value to put it in personal terms, to put it in much more personal terms, the same values which these young people will have to the People's Republic of China can be put to use here in the United States. These people are highly skilled, they are highly educated, and they are highly motivated. They are highly concerned about the future of democratic institutions.

Of all of those who seek to come to the United States, this group of people rank right at the very top with respect to the skills, the tremendous skills, and the very high degree of dedication which they can provide to this country from the instant they become permanent residents.

They are true assets of the world. They are wonderful people. They are skilled people. They would make great and productive Americans.

As a consequence, Mr. President, it seems to me that the amendment which I offered on my own behalf and on behalf of a number of other Members of this body is a win-win-win situation. It is a wonderful, gracious, and human response to the plight of young people who are here in the United States from the People's Republic of China, and who care very deeply about what has gone on in their own nation. It offers us an opportunity to exert some real leverage to cause the liberalization of the present Government of the People's Republic of China, and to exactly the extent that it is effective in gaining at-

tention on the part of the students and others, it may very well result in a long-term gain to the United States both from the perspective of those students who choose to stay here and those who, even though they go home, will be eternally grateful to the United States for our having met their deepest needs at a time in which those needs took place.

I understand, and I perfectly realize that this does not fit within the pattern of the bill which is before us at the present time, a bill which I think is very thoughtful and takes a balanced approach toward immigration to the United States. But that bill was written before Tiananmen Square, Mr. President. We have gone through one of the most extraordinary and public revolutions and repressions of the lifetimes of any of those of us who are Members of the U.S. Senate. I am convinced we can operate much more dramatically than we have, even in the leadership of yesterday, and adopt a proposal such as this one.

Mr. SIMON. Mr. President, will my colleague yield?

Mr. GORTON. I am happy to yield.

Mr. SIMON. He and I had a discussion on the floor a little bit ago to see if we could work out some kind of a compromise. I think the amendment of the Senator from Washington goes a little further than is desirable. I chatted with Senator SIMPSON and Senator KENNEDY, and if the Senator from Washington would be willing to withdraw his amendment temporarily, maybe it would let us see if we can work out something in the remainder of the day that moves in the direction we are trying to go here.

Mr. GORTON. I say to my friend, the distinguished Senator from Illinois, as I did say to him in private conversation, I am much more interested in accomplishing something for these students and for these people than I am in any publicity value for this amendment. If there is any opportunity with the Senator from Illinois, and with the two distinguished principal sponsors of the bill before us to work in this direction in a way which will be found acceptable by all concerned, I am delighted to do so.

What I would prefer to do rather than withdraw the amendment is simply to agree it be laid aside to be called up again at an appropriate time so that others may have an opportunity to speak on it, and so that I can work with the distinguished members of the Judiciary Committee toward a goal which all of us can support.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER (Mr. CONRAD). The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, on behalf of the comanager, I think that is an excellent suggestion, and I commend my friend from Illinois for suggesting it and my friend from Washington for hearing that proposal. I pledge in the course of this day, to see if we cannot do the language that I think will accomplish this and get awfully close to what we want to do, considering what we have done with the Mitchell-Dole proposal, the House proposal, the Murkowski proposal, and just be certain that we are not giving the most significant thing we can give to anyone in the United States, and that is permanent resident alien status and yet meet the conditions and concerns and fears of these Chinese students. I think we can do that.

I will pledge to work toward that today and certainly hold the Record open and the amendment list open to assure that if we do not reach an accord, we will come right back to that position.

Mr. GORTON. Mr. President, I ask unanimous consent that the pending amendment be laid aside for whatever business may succeed.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The pending question is now the committee substitute.

AMENDMENT NO. 243

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I send an amendment to the desk on behalf of the Senator from New York [Mr. MOYNIHAN] and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for Mr. MOYNIHAN, proposes an amendment numbered 243.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, insert the following new section:

SEC. . REPORT TO CONGRESS ON UNITED STATES IMMIGRATION POLICY TOWARD BURMESE STUDENTS.

(a) The Attorney General, in consultation with the Secretary of State, shall report to the Committees on Foreign Relations and Judiciary within 30 days of enactment of this act on the immigration policy of the United States regarding Burmese prodemocracy protesters who have fled from the military government of Burma and are now located in border camps or inside Thailand. Specifically, the report shall include:

(1) a description of the number and location of such persons in border camps in Burma, inside Thailand, and in third countries;

(2) the number of visas and parole applications and approvals for such persons by United States authorities and precedents for increasing such visa and parole applications in such circumstances;

(3) the immigration policy of Thailand and other countries from which such persons have sought immigration assistance;

(4) the involvement of international organizations, such as the United Nations High Commission for Refugees, in meeting the residency needs of such persons; and

(5) the involvement of the United States, other countries, and international organizations in meeting the humanitarian needs of such persons.

The Attorney General shall recommend in the report any legislative changes he deems appropriate to meet the asylum, refugee, parole, or visa status needs of such persons.

(b) As used in this section, the term "prodemocracy protesters" means those persons who have fled from the current military regime of Burma since the outbreak of prodemocracy demonstrations in Burma in 1988.

Mr. KENNEDY. Mr. President, this is an amendment by the Senator from New York, who has been deeply concerned about the condition of Burmese students, who in many instances have suffered gravely from a harsh totalitarian regime in Burma. His amendment is a sense-of-the-Senate resolution to provide for a report about the student situation there.

We have made a slight clarification, which is acceptable to the Senator from New York. We welcome very much his bringing this matter to our attention. It is, I think, a matter of very considerable concern, with a number of egregious human rights violations, both in Burma and in the neighboring countries.

We certainly, and I, as the chairman of the Refugee Committee, welcome whatever insights that might be developed by this coordinated effort. And it is the sense of the Senate to urge the administration to develop a more coordinated effort and to report to the relevant committees. I think it is a very valuable addition to the bill. I hope that the Senate will accept the amendment of the Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise today to offer an amendment to a truly historic piece of legislation, the Legal Immigration Act of 1989 (S. 358) the sponsors of which, Senators KENNEDY and SIMPSON, are due our greatest admiration. Their work in this area is nothing less than remarkable.

As we consider this legislation, we consider something of our past, of our present and of our future. We are a country of immigrants—a nation founded on the hopes and dreams of so many who aspired for greater freedom and for liberty.

It was and continues to be democracy—a personal, individual freedom unlike that found in any other nation—to which so many around the world are attracted. Our freedoms are inspirations to those oppressed. We don't need to be reminded of the Chinese students who attempted to bring

to a quarter of the world's population a taste of freedom. It was crushed under the treads of tanks. We were repelled.

Democracy truly is "breaking out all over." Unfortunately, it is not always successful. Just last year, students in Burma's capital of Rangoon and in cities throughout the country took to the streets to demand the restoration of democracy in that country. One which has been governed by a repressive socialist regime for just over now 25 years.

Students marched. The army fired on them. Western diplomats, including our own most capable Ambassador Bert Levin, reported that at least 3,000 students were killed by the military, thousands more arrested.

The prodemocracy demonstrators fled to the jungle border separating Burma from Thailand seeking to join in the common purpose—of democratic change—with ethnic minorities that have been fighting the same regime for decades. Since then the situation has only worsened. A brutal civil war rages. The military has continued its attacks on the students encamped along the border. Disease—mostly malaria—has already killed many or forced others to return to an uncertain fate in Rangoon. The rest of the world has done too little to help them. Students have been refused permission to stay in Thai territory and are being arrested and repatriated to Burma. No Western government, including ours, has granted any of the students asylum as political refugees or even entry under humanitarian parole. Just today, I learned that the INS has denied humanitarian parole to Yuzana Khin, a psychology student at Rangoon University and treasurer of the All Burma Federation of Student Unions and considered a leader of the prodemocracy demonstrations which coalesced outside our Embassy in Rangoon. Indeed, she is hiding inside Thailand while being sought by both Thai and Burmese agents. And yet she has been denied humanitarian parole. We apparently will not help here.

The amendment which I offer will require the Secretary of State and the Attorney General to provide the Congress with the necessary information needed so that we might address the critical needs of these brave, indeed, heroic students who are struggling daily to overcome the oppression of the Burmese regime. I ask unanimous consent that following my remarks an aricle by Steven Erlanger and an editorial which recently appeared in the New York Times be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 25, 1989]

IN JUNGLE AT THAI-BURMESE BORDER, LAST STAND FOR STUDENT PROTESTERS

(By Steven Erlanger)

NEAR THREE PAGODAS PASS, MYANMAR.—Hailed as fighters for democracy last September when they fled the Burmese military crackdown to train with insurgents along the borders, the students who remain in this unforgiving jungle near the Thai border have too little to eat and not enough medicine to treat the endemic malaria. Worse yet, there is nowhere else to go.

Events last August and September in Myanmar, formerly Burma, were similar to those in China: student-led demonstrations for democracy were crushed by soldiers shooting indiscriminately into crowds of unarmed civilians. Western diplomats say at least 3,000 Burmese died at the hands of the military.

But while Western governments offered asylum and visa extensions to Chinese, the American Embassy in Bangkok has told some Burmese students that they must first return to the capital, Yangon, formerly Rangoon, to get a passport or to apply for a visa, a suggestion the students find callous and absurd.

Western support for the students has been almost entirely rhetorical; contributions from Burmese exiles have withered; student relations with many of the ethnic insurgents, having different goals and little enough food and weapons for themselves, have soured.

As the Burmese Army presses its offensive against the insurgents, the students, most without passports, have little choice but to stay where they are. Those who return home face arrest and imprisonment; many of those who go to Thai cities and towns are being seized and deported, and Western countries have accepted none who have sought asylum as political refugees.

"This is a very critical moment for the students who remain along the border," said Ko Thant Myint-U, who has been trying to help them through Emergency Relief Burma. "Despite the fact that these are the very students who led the demonstrations for democracy America said it supported, no help has been given."

Mr. Thant Myint-U, grandson of U Thant, the late Secretary General of the United Nations, says that of the roughly 7,500 Burmese who came to the border after September to try to fight the Burmese regime, perhaps fewer than 2,000 remain. At least 80 percent have had malaria, many of them numerous times, and some have died, while malnutrition, diarrhea and pneumonia are common.

At the same time, dreams of fighting bravely alongside the ethnic insurgents for a common democratic future have largely withered in the face of political disagreements, arms shortages and a sustained Burmese military offensive against the ethnic Karen rebels, who sheltered many of the students and who have lost five border camps since mid-December.

Up to 1,000 Burmese students, many of them fleeing the fighting, are already hiding inside Thai towns like Mae Sot and the sprawling capital, Bangkok, where they face arrest, fines and deportation to a Burmese Government that promises harsh treatment.

Ko Winn Moe, a prominent student leader in the capital, came to this dank, wretched camp in the jungle near Three Pagodas Pass in late March, after some 200 students fleeing the fighting against the Karens sought refuge in Mae Sot. The Thai authorities said they had to leave by the end of March or be deported to Burmese territory held by the Government. About 100 students, sick and discouraged, returned to this country, many of them surrendering to the authorities.

MALARIA AND DEPRESSION

Mr. Winn Moe, 24 years old and a chess champion, negotiated a price for transportation here instead, in territory held by the Mons, another of the 10 or so ethnic minorities who have been fighting the Burmese Government for independence or autonomy since 1949. Unlike the Karens, who sought to control student activities and distribute any aid, Mons leaders have promised a free hand.

Lanky and cheerful, Mr. Winn Moe said that students sometimes become depressed, especially when they have malaria, and start to think of home, parents and friends, "but then they recover." In any event, he said, "to set up a working organization, it's better to be smaller, and those who remain here now understand the reality of jungle life, and they are very committed."

Mr. Winn Moe sat on a bamboo slat shelf in a crude shelter built only 10 days ago. Behind him, fully dressed students suffering from malaria shivered under blankets as a hot, tropical rain lashed the thatch. About half the 150 students in this camp have malaria, Mr. Winn Moe said.

At an associated camp a half-hour's trudge away, Ko Aung Thu Nyein, a 24-year-old former medical student who fled the capital last October, tried to care for some 20 malarial patients in a thatch clinic. Two or three people share the few mosquito nets, he said. He gives injections of quinine and tetracycline donated by the French aid agency Doctors Without Borders, but there is never enough. Some students have had malaria 14 or 15 times, and some have cerebral malaria, which can be fatal. Mr. Aung Thu Nyein, his face glossy with sweat, said he had malaria, too.

BECOMING DISCOURAGED

There are about 160 students at this camp, Mr. Aung Thu Nyein said, though the actual figure appeared to be less than 100. In October, there were more than 2,000. The rest had become discouraged, he said, because they thought aid and supplies would come from the West. While the Mons provide some rice and a few charities provide some food, contributions from Burmese living overseas have also dwindled. "There is a lot of disappointment among the students," he said.

"During the August and September uprising, a lot of foreign countries said they supported the students and democracy," Mr. Aung Thu Nyein said. "We believed the Western countries would support us with arms and food, and that's why we came to the border. But we got no support at all, and we've been through a lot since then."

In the main Mon camp a few miles away, the Mon leader, Nai Shwe Kyin, said he was doing what he could for the students, whom he admired but who are getting hard up and disheartened." He said he expected the Burmese Army to confront the Mons after the Karens.

If the Burmese attacked, Mr. Winn Moe said, the students could not defend themselves and would flee to the nearest Thai town, Sangkhlaburi. He said he expected Thai officials, who are trying to trade with the Burmese, to be no more welcoming than those in Mae Sot.

ON EMERGENCY AID

Mr. Thant Myint-U said he hoped the United States and other countries would at least increase aid to the student camps, help prepare emergency aid and shelter should the students need to flee to Thailand, and urge the Thais to allow temporary asylum.

Most helpful, he said, would be to help students hiding in Thailand who are already seeking asylum to be given a chance to resettle in third countries as legitimate political refugees.

"The students have little left except their trust in democracy," he said. "At this point help from America can make all the difference in saving their lives."

BURMA OUT, MYANMAR IN

Burma has a new official name: Myanmar.

The change was adopted by the United Nations on Thursday. The Burmese radio said the Government had changed the country's name to Myanmar (pronounced mee-ahn-MAH) and the name of the capital from Rangoon to Yangon (pronounced yahn-KOH).

The new versions reflect contemporary usage in the Burmese language. Many place names in the native language were adapted into English during British colonial rule between 1862 and 1948.

Several United Nations members have changed their names, including Sri Lanka, which was Ceylon until 1972, and Burkina Faso, which was Upper Volta until 1984.

[From the New York Times, June 30, 1989]

BURMESE HEROES, FAITHLESS FRIENDS

In 1959, when the Burmese people were last allowed to vote freely, their soon-to-be dictator New Win remarked: "Let the country make its own choice. It will get the government it deserves." Shortly thereafter he deposed the country's choice, made himself dictator and ruled for three dismal decades, reducing a once-prosperous country to penury under a blundering military regime.

A student-led uprising last summer forced the "resignation" of Ne Win, but not of a brutish military tyranny that has made only one mark—to change Burma's name to Myanmar.

The country's people deserve better. In particular, the young leaders of last year's rebellion are owed something better from Western democracies whose values inspired their protest slogans. As The Time's Steven Erlanger has reported, some of the students fled to Thailand and sought visa extensions and asylum. There, they were reportedly told by the U.S. Embassy to return to Yangon, formerly Rangoon, to get the needed documents—absurd advice for those facing arrest.

The sequence of events in Burma, 1988, uncannily anticipated that of China, 1989. The student democracy movement elicited instant world sympathy; Congress voted a resolution condemning Burmese violence against the demonstrators. In a crackdown claiming 3,000 lives, hard-liners forced students to flee. Some went into jungles and found shelter in camps of insurgents; others sought asylum in Thai towns and cities, or applied for refuge in the West.

But the world's attention had shifted. Not a single student is known to have been accepted for asylum in the West. And in hopes of currying favor with the entrenched Burmese military, Thailand has deported those seeking shelter in its towns. About 2,000 survivors remain in border camps, and another thousand are hiding inside Thailand. These courageous students deserve a welcome from the United States as refugees.

Their cause is scarcely lost. In Yangon last week, thousands rallied to protest the regime's denunciation of a democratic opponent. It's time for Congress to adopt a fresh condemnation of Myanmar, and to urge an open door for its dissenters.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I, too, along with my friend from Massachusetts, want to commend Senator MOYNIHAN. I can say, without any reservation, that Senator MOYNIHAN, through the whole effort of legal immigration reform and illegal immigration reform, has been one of the most astute players and a great supporter of efforts of mine since I came to this place on this very complex and vexing issue.

Again, he has pointed out to us these students, Burmese students, who were involved in the Burmese prodemocracy efforts and in protesting, who have fled from the military Government of Burma and are now located in the border camps, I think in the report, and in this sense-of-the-Senate language, it is very important that we determine these things: Where they are; number and location; the number of visas and applications; the immigration policy of Thailand; and that is going to become ever increasingly important to us, especially after the Vietnamese removed themselves from Cambodia, and a whole new relationship will spring up with our friends in Thailand regarding displaced persons and refugees and economic migrants.

It is going to be a tough issue. But this one with regard to Burma is one that deserves our attention. We need to visit with our Ambassador, a very fine friend of many of us, Burt Levin, and he has remarkable insights. We want to plumb his thoughts, and he has shared those with me. That is a very important thing. It would have missed our attention, if it had not been for the Senator from New York, and I commend him.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 243) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair in his capacity as a Senator from the State of North Dakota suggests the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, what is the present parliamentary situation? I have an amendment I would like to offer. Has the Gorton amendment been set aside?

The PRESIDING OFFICER. The pending amendment is the Gorton amendment.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Gorton amendment be set aside and my amendment be taken up and considered. I assume the managers would then like to return to the Gorton amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I have an amendment and I would be glad to enter into a time agreement with the managers. I would suggest 30 minutes, equally divided, if that is suitable to them.

Mr. KENNEDY. Mr. President, that would be entirely satisfactory to us. I ask unanimous consent that on the Chafee amendment there be 30 minutes allocated and the time to be equally divided between the Senator from Rhode Island and the Senator from Wyoming.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I further ask unanimous consent that no amendments to the amendment be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 244

(Purpose: To provide temporary stay of deportation for certain eligible immigrants)

Mr. CHAFEE. Mr. President, I send an amendment to the desk and ask for its immediate consideration. This amendment is offered on behalf of myself and Senators HATFIELD, CRANSTON, GORE, and ADAMS.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for himself, Mr. HATFIELD, Mr. CRANSTON, Mr. GORE, and Mr. ADAMS, proposes an amendment numbered 244.

Mr. CHAFEE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 124, after line 25, add the following new section:

SEC. . ACTION WITH RESPECT TO SPOUSES AND CHILDREN OF LEGALIZED ALIENS.

(a) TEMPORARY STAY OF DEPORTATION AND WORK AUTHORIZATION FOR CERTAIN ELIGIBLE IMMIGRANTS.—

(1) IN GENERAL.—The Attorney General shall provide that in the case of an alien who is an eligible immigrant (as defined in

subsection (b)(1)) as of November 6, 1986, who has entered the United States before such date, who resides in the United States on such date, and who is not lawfully admitted for permanent residence, until the cut-off date specified in paragraph (2), the alien—

(A) may not be deported or otherwise required to depart from the United States on a ground specified in paragraph (1), (2), (5), (9), or (12) of section 241(a) of the Immigration and Nationality Act (other than so much of section 241(a)(1) of such Act as relates to a ground of exclusion described in paragraph (9), (10), (23), (27), (28), (29), or (33) of section 212(a) of such Act), and

(B) shall be granted authorization to engage in employment in the United States and be provided an "employment authorized" endorsement or other appropriate work permit.

(2) CUT-OFF DATE.—For purposes of paragraph (1), the "cut-off date" specified in this paragraph, in the case of an eligible immigrant who is the spouse or child of a legalized alien described in—

(A) subsection (b)(2)(A), is (i) the date the legalized alien's status is terminated under section 210(a)(3) of the Immigration and Nationality Act, or (ii) subject to paragraph (4), 90 days after the date of the notice to the legalized alien under paragraph (3) of the applicable cut-off date, whichever date is earlier;

(B) subsection (b)(2)(B), is (i) the date the legalized alien's status is terminated under section 245A(b)(2) of the Immigration and Nationality Act, or (ii) subject to paragraph (4), 90 days after the date of the notice to the legalized alien under paragraph (3) of the applicable cut-off date, whichever date is earlier; or

(C) subsection (b)(2)(C), is 90 days after the date of the notice to the legalized alien under paragraph (3) of the applicable cut-off date.

(3) NOTICE.—In the case of each legalized alien whose status has been adjusted under section 210(a)(2) or 245A(b)(1) of the Immigration and Nationality Act or under section 202 of the Immigration Reform and Control Act of 1986 and who has a spouse or unmarried child receiving benefits under paragraph (1), the Attorney General shall notify the alien of the applicable cut-off date described in paragraph (2)(B) and the need to file a petition for classification of such spouse or child as an immediate relative to continue the benefits of paragraph (1). Such notice shall be provided as follows:

(A) If the legalized alien adjusted status to that of an alien lawfully admitted for permanent residence before the date that the definition contained in section 210(b)(2)(A)(i) of the Immigration and Nationality Act (as amended by this Act) first applies, the notice under this paragraph shall be provided as of the date that that definition first applies.

(B) If the legalized alien adjusted status to that of an alien lawfully admitted for permanent residence after the date that such definition first applies, the notice under this paragraph shall be provided at the time of granting such adjustment of status.

(4) DELAY IN CUT-OFF WHILE IMMEDIATE RELATIVE PETITION PENDING.—The cut-off date under paragraph (2)(B) with respect to an eligible immigrant shall not apply during any period in which there is pending with respect to the eligible immigrant a classification petition for immediate relative status under section 204(a) of the Immigration and Nationality Act.

(b) ELIGIBLE IMMIGRANT AND LEGALIZED ALIEN DEFINED.—In this section:

(1) The term "eligible immigrant" means a qualified immigrant who is the spouse or unmarried child of a legalized alien.

(2) The term "legalized alien" means an alien lawfully admitted for temporary or permanent residence who was provided—

(A) temporary or permanent residence status under section 210 of the Immigration and Nationality Act,

(B) temporary or permanent residence status under section 245A of the Immigration and Nationality Act, or

(C) permanent residence status under section 202 of the Immigration Reform and Control Act of 1986.

(c) APPLICATION OF DEFINITIONS.—Except as otherwise specifically provided in this section, the definitions contained in the Immigration and Nationality Act shall apply in the administration of this section. Nothing contained in this section shall be held to repeal, amend, alter, modify, effect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of such Act or any other law relating to immigration, nationality, or naturalization. The fact that an alien may be eligible to be issued an immigrant visa under this section shall not preclude the alien from seeking such a visa under any other provision of law for which the alien may be eligible.

Mr. CHAFEE. Mr. President, this amendment corrects a lingering flaw in the Immigration Reform and Control Act of 1986 which, for simplicity, I will refer to in the future as the amnesty bill, since that is what most of us remember it as.

This amendment deals with a problem in the amnesty bill which dealt with and arose because of the threat of family separation. What my amendment would do, very simply, would be to grant a stay of deportation and work authorization to the spouses and unmarried children, minor children, of individuals who achieve legal status, and the individuals must have achieved legal status under the amnesty bill.

In order to receive this protection, the illegal spouses and the children, minor children, unmarried—that is what we are talking about—must have lived in the United States prior to November 6, 1986, which was the date that the amnesty legislation was enacted.

You can see this is a narrow piece of legislation. It deals with only spouses and unmarried minor children. It does not deal with parents and sisters and brothers and uncles and aunts. It is limited.

Furthermore, those who receive this must have been in the United States prior to November 6, 1986. So it does not include massive numbers.

My amendment would only apply, as I say, to individuals who were already here when the amnesty bill was created, but they did not qualify because probably in most instances they were not here by the cutoff date that was required under the amnesty bill. As we all remember, the cutoff date for the amnesty legislation was January 1, 1982. That is when somebody had to be in the United States to qualify for the amnesty legislation. So my legislation deals with a group that most likely—they may have been here before January 1, 1982, but that is highly unlikely. We are talking about those who came to the United States, the minor children, unmarried, and the spouses, between the period of January 1, 1982, which was the cutoff date, and November 6, 1986, when the legislation was enacted.

The amnesty bill was the product of many years of hard work and compromise. A bill was put together that passed both Houses by wide margins. In the Senate, it passed 63 to 24; in the House, it passed 238 to 173. The distinguished Republican manager of this bill today on the floor was the principal author of that legislation and provided very strong leadership and did an excellent job. I want to tip my hat to the junior Senator from Wyoming for what he did.

The provision to allow certain illegal aliens to apply for lawful temporary resident status was included for pragmatic, political and compassionate reasons. Why did we pass that legislation? We did it for pragmatic reasons, we did it for political reasons, and we did it for compassionate reasons.

What were the pragmatic reasons? The fact was that there were millions of undocumented aliens in the United States at that time. It would be impossible to locate and deport all of them. So the conclusion was it was far better to take the situation as it existed then, let those apply for amnesty, and then change the rules for the future. Some of those changed rules were, of course, the provisions dealing with employment. Far stricter rules both on the employers and on the employees, the so-called sanctions. The first reason was a practical one. We could not do anything about those millions of illegal aliens anyway, so we might as well let them apply for citizenship and start fresh.

The political reason for amnesty was one of balance. Coupled with the amnesty provisions, as I say, were reforms. Those reforms dealt with requiring employers to check the status of those they hired, and it put sanctions on those who hired undocumented workers.

The most compelling reason for the amnesty bill, in my judgment, was that of compassion. I believe our society is best served by a generous measure of understanding when it comes to undocumented aliens in our country. So we thought the fairest and the wisest course was to set strong procedures for the future but not deport those who have been here prior to the cutoff date.

Certain people, unfortunately, fell through the cracks. Let me give you a situation from my State.

We have an individual I will call Leon, who immigrated to the United States illegally from Colombia on October 24, 1981. He how lives in Central Falls, RI. He is a meticulous man and he saved all his papers, his employment records, his rent receipts, and he had an easy time applying for the generous legalization program. In other words, he qualified for amnesty.

Leon's family, namely his wife Esther and three children ages 18, 13 and 8, were not so lucky. They arrived in the United States 22 days after the cutoff date of January 1, 1982, and thus were not eligible for amnesty.

Leon faces the excruciatingly painful decision between breaking up his family or breaking the law of his new country and keeping these individuals here illegally.

Eventually his family could benefit from the second preference relative petitions, however they would have to wait a substantial period of time, and during that period they would not be eligible to work and they would live in fear of being separated from their families through deportation.

What are the requirements on them? First, they must wait until Leon and other legalized family members become permanent residents, which would occur by October 1990. Then they would have to wait for a visa to become available.

Currently there is a 20-month waiting period for visas through the second preference. Immigration advocates fear that as new legalized individuals petition for their families the waiting period could jump from 3 to 5 years. The sole recourse for the newly legalized with undocumented family members is a family fairness policy. Let me just describe that briefly.

That was instituted by the Immigration and Naturalization Service in October of 1987. It provides nondiscretionary relief only for minor children. We are not talking about spouses. We are talking about minor children who enter the United States before November 6, 1986, both of whose parents gain legal status under the amnesty bill.

So we have taken care of a situation where both parents qualify. But I am talking about the situation where the wife, in this instance, came 22 days after the cutoff period, and her children came at the same time, and so they do not meet the family fairness doctrine that has been instituted.

As I say, in the case of single-parent families, the parent with whom the child resides must have legal status.

Others say: Well, they do not deport under this anyway. And there are very few deportations. Indeed, in a place like Chicago they are treated very leniently. So my amendment is unnecessary.

Well, I can point out other areas of the country, Albuquerque, NM, where they are treated in a harsher manner than that.

Enactment of my amendment is urgently needed so the fundamental goal of the legalization program can be realized. In my view it is a basic American value to believe that the threat of family separation is wrong; the uncertain treatment of families under the amnesty bill is contrary to our longstanding policy in the United States of family unification.

Of course, there has been an Executive order by the President, Executive Order 12606, dealing with the family. Obviously deportations would be contrary to that.

This is a modest solution, Mr. President. It is different. I offered an amendment similar to this in 1987 that was defeated, 55 to 45. But it was different. It was broader than this. That amendment would have granted legal status to the spouses and children of the legalized aliens.

There is a lot of difference between granting legal status and what my bill does. So let us tick through what it does not do.

My bill does not confer legal status on the spouse or children who benefit from this legislation.

My bill only applies to spouses and minor unmarried children.

It does not apply to the whole family of brothers and sisters and cousins and parents.

The spouses and children would lose their protection under this amendment if they fail to apply for a visa under the second preference within 90 days of becoming eligible. So there is a further restriction.

Those who benefit from this amendment will not jump ahead in the line for visas or legal status. They will not displace others who have filed application or who are waiting for their visas outside the United States.

Individuals covered by my amendment are not eligible for Federal benefits.

My amendment does not in any way tamper with the delicate amnesty compromise that we reached.

The cutoff date of November 6, 1986, ensures that no one who entered our country with the hope of benefiting from an amnesty will do so. In other words, the cutoff date still remains.

Here is a very important point. Many people believe that my legislation would act as a magnet, in other words, come one, come all: olly, olly in free. You can now qualify, a spouse or minor children, because the father or in some instances the mother qualified under the amnesty bill. That is not so. They had to have been here prior to November 6, 1986.

Mr. President, one of the arguments that will be raised is that we are treating this group differently than we are a legal alien. That is true. But the point, Mr. President, is we treated this entire group differently. That is why we did the amnesty legislation.

We treated those who came illegally differently than those who have been waiting patiently for their entrance visas from foreign countries for many years. So, yes, there was a difference in treatment. But we concluded it was the right thing to do and this is a correction, a minor correction, to that entire procedure that we followed when we passed that legislation.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes and 17 seconds.

Mr. CHAFEE. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Wyoming.

Mr. SIMPSON. Mr. President, there is no one more spirited in cause than my friend from Rhode Island, the Senator from Rhode Island. He is a man I greatly admire and enjoy and respect. And I know the intensity with which he deals with this issue. We have talked about it. We have tried to accommodate each other on it. He is a persistent, persuasive gentleman of the first order and you cannot beat him back. He has the old wrestling instinct he picked up in college and he still will wrestle you right to the ground.

I do not know what will happen to this. I remember it is not quite the same but yet it is because it gives something that is more valuable than legal status. It gives work authorization and a stay in deportation. What more would a person want? That is all they would want if they were in the United States, is a stay of deportation and work authorization. Forget the rest of it. They would not care what status they were in: asylee, EVD, special entrant, whatever, once they have those two things.

So I respectfully and regretfully but with spirit to match his, oppose this amendment because to me it disturbs the delicate balance of the 1986 Immigration Reform and Control Act. We have already debated the issue of legalization for illegal aliens. The Congress decided that those aliens who had lived here continuously since January 1, 1982 or before would be allowed to receive a legal status and it was not specialized, it was complete. We did not set aside little enclaves, like this amendment does, of people.

In the Judiciary Committee report we stated it very clearly. We knew this would happen. We knew exactly what would happen because of the pressures from the groups out in the United States who push this stuff along; they are insatiable. There is not a single gap we are supposed to have when we

do any kind of reform. They will find something that makes it impossible.

We see the comments that the Immigration Act, the IRCA of 1986, might not be doing the job. Well, if it is not, I am ready to go back to work, just tell us what we are supposed to do to avoid the continual exploitation of people who get here in an illegal status and I am willing to pick up all the tools and machinery and go back to work.

I do not set them in this body and think about things that have gone awry. If they have gone awry, let us bring them back. We have the same people ready to do that. We said, "It is the intent of the committee"—this was during the passage of the bill—"that the families of legalized aliens will obtain no special petitioning rights by virtue of the legalization. They will be required to wait in line in the same manner as immediate family members of other new resident aliens."

Please hear that. We are here in the Chafee amendment giving an advantage that we do not give to permanent resident aliens who have been waiting to have their spouses and minor children to join them for maybe 11 years. How can you possibly give a benefit to a person who just got legalized and bring in their spouse and minor children when you do not do it for permanent resident aliens who have been here? And a permanent resident alien can have his or her spouse deported under present law, and yet this person cannot? It strains all sense.

The Senator from Rhode Island proposed the amendment before, and it has been changed slightly. That amendment was defeated. We will see what happens with it today. It does not grant this actual legal status, but, as I say, it grants the thing that is most primed. It is an attempt actually at a de facto second amnesty. I promised all my colleagues during the presentation of the immigration bill over the course of 6 to 8 years that legalization is and will be a one-time-only program. You either get in in the year or you do not make it. No other country can go on that basis where you simply say, "Well, I knew they were kidding; they will do it again." Well, we are not going to do it again, and this is the first step of doing it again.

I do intend to keep that promise to those Members who voted with this issue despite having serious reservations about a legalization program anyway. I did not like it. What are you going to do? I said there is one reason we are doing it; if you could not apprehend them coming out, what are you going to do to exit them from the country? I said I am not going to be a part of that. So we had a legalization. I am glad my colleagues went along with it.

There are probably as many people in Congress today who want to narrow the legalization program as there are those who would broaden it. As we grapple and anguish over the legalization issue, we did at least conclusively decide it, and this opens it up again. A cruel irony of this amendment—and I said it and will say it one more time, knowing how this place operates—is that it would treat the illegal immigrants more generously than we treat our current legal immigrants because under the present system, a new permanent resident alien who does not enter with his immediate members of his family might apply through the preference system for his family to immigrate. In such cases, there is a wait of 16 months for nationals in most countries and a longer wait in countries with higher visa demands. For those legal immigrants, there is no withholding of deportation if their family are present illegally. There are many Mexican nationals who return to Mexico from the United States to pick up their visas when they are issued—now hear that—thus proving they have been living in the United States without status and without protection from deportation. When their visa number comes up in Mexico City, 85 percent of them go down from the United States to pick it up. Do you think they have any fear of deportation? Of course not.

We have deported a handful of people; literally a handful. Maybe 12, maybe 5. Not more than 100 under any scenario have we ever deported. In fact, we do not even deport poeple for heinous activity because we are a very generous country.

As the newly legalized aliens receive their permanent resident status, they may apply for admission in the same manner as the legal resident aliens now do. I cannot tell you how many Americans objected during the original bill because it seemed to reward lawbreakers while penalizing those who were waiting patiently in line to immigrate legally. I opposed those arguments, and I fought for legalization.

I believe this amendment so plainly reopens all those old wounds so that the public is unlikely to see it in any other light. Without public support of the United States, any immigration policy is doomed. I fear we are undercutting exactly this support by adopting this amendment and giving a special treatment to people who are illegal aliens and whose family members were originally illegal aliens.

There is one other thing I hope people will hear in this process, this breaking up of families and deferring applicants. There have been these claims continually of the terms of the legalization program that we are breaking up families. I think there is another very valid perspective to that issue. Let me remind my colleagues that it was the illegal alien families who chose to divide themselves. They chose to split up their families in this other country. If they had all come to the United States together, they would have been covered under the amnesty. They would have qualified for the legalization program together. They themselves chose to divide their families, not because of refugee status, but because of economic reasons, or others. They chose to do that. I think they then must wait, just as under our legal immigration system, allowing them to enter legally. We heard allegations that the lack of a second family amnesty in the last debate was deterring applicants for the legalization program. I know my friend from Rhode Island will remember that. He said this is deterring applicants for the legalization program, and he did it with that spirit that is Senator JOHN CHAFEE.

The allegation turned out to be absolutely unfounded. in 1986, the Congress estimated that 1.4 million persons would come forward under amnesty and an additional 250,000 under the Special Agriculture Workers. In fact, 1.76 million came forward during the general amnesty, and 1.3 million applied for the special status even though many applications in the SAW Program I think are maybe fraudulent and we are going to have to deal with that. Congressmen BERMAN, SCHUMER, MAZZOLI, BROOKS, FISH, SMITH, and all of them will be right back in it again with the SAW Program and the RAW Program which turned into a ripoff.

There was certainly no chilling effect whatsoever that amnesty experienced based on those figures. I simply want to say how broad this amendment is. It still is broad, and here under the proposal a family member of a formerly illegal alien who enters the United States illegally 1 day before the President signed the bill on November 6, 1986, would be granted relief from deportation and would receive work authorization. All we tried to do when we started this operation was recognize persons with certain equities that long-term illegal residents had established in this country—that is what we did—those who lived here 5 years or more. So much for equities when you get to this kind of a situation.

No such equities have been established in this country by someone who entered the country a little over 2 years ago. That cannot be. Let me specifically illustrate how broad this amendment is. Here it is: Senator CHAFEE talked about Leon and his family. I would have to inquire as to whether any of his family have been deported. We will have that information in a moment when I finish my remarks.

Let me specifically say that an illegal family alien who spent 4 years and 11 months, that is 59 months, volun-

tarily separating him or herself from his family in the United States may receive immigration benefits now on residing illegally in the United States for the last 31 months. Somebody will have to tell me how that really is. To me it does not have any ring of sense. It is an unsupportable result.

I believe that administrative relief is warranted for some family members. That is why we have a family fairness doctrine with the INS. Illegal children of legalized parents are always kept in this country. Senator CHAFEE is right, we do not deport the illegal children of legalized parents, and the legal-illegal spouse issue is always dealt with on the basis of case by case. There is nothing wrong with that. If it is being done differently in some areas of the United States than others, we can correct that. But I do not believe that absolutely every case where one spouse is illegal must be given relief from deportation because in some cases we already deport the illegal spouses of legal immigrants in the United States.

I just do not know why we should tie the hands of the INS and prevent them from deporting everyone in this category, and they have only done 12, or 8, or 5 or 100. I do not know. It is not over 100. It is exactly in these cases where some alien families choose to separate themselves for many years. I do not believe we should now grant them some automatic immigration benefit. It should be left to the INS on a case-by-case basis. The question of relief has been debated and disposed of before. I think it is redundant, unnecessary, and it amounts to that, and it should be rejected.

May I ask how much time remains.

The PRESIDING OFFICER. The Senator has just under two minutes.

Mr. SIMPSON. I reserve the remainder of my time.

Mr. CRANSTON. Will the Senator yield time to me.

Mr. CHAFEE. Yes. The Senator from California wishes to speak. I ask unanimous consent that we might have 8 additional minutes on this side and, if the other side would like 8 minutes, that would be fine, obviously, too.

Mr. SIMPSON. Mr. President, never missing an opportunity to pick up a few extra minutes, I think I probably would yield back, but I leave that to the principal manager.

Mr. CHAFEE. How about 16 minutes equally divided, in addition. I think each of us has a couple of minutes.

The PRESIDING OFFICER. Is there objection? Without objection there will be an additional 16 minutes evenly divided.

Mr. CHAFEE. I yield 3 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 3 minutes.

Mr. CRANSTON. Mr. President, I am glad to be a cosponsor of the amendment being offered by my friend from Rhode Island and I urge my colleagues to support it also. This amendment addresses an issue which is central to the legislation which is currently before us: Family unity.

My colleagues will recall that during the 100th Congress, Senator CHAFEE and I, along with Senator SIMON and others expressed our concern about the plight of families in which one member qualified for the Legalization Program authorized by the Immigration Reform and Control Act of 1986, while other family members did not. For months we pressured the Immigration and Naturalization Service, INS, to develop an administrative remedy for such families and to assure that ineligible family members would not be deported. After considerable delay, the INS did announce a policy which it called a "family fairness" policy. We did not find that policy to be particularly fair then, and we do not find it to be fair now.

As my colleague from Rhode Island has already pointed out, the INS policy fails to address the humanitarian concerns regarding family separation. Ineligible spouses of legalization applicants are given protection from deportation only if they can prove "compelling or humanitarian" circumstances, such as serious medical problems or the presence of a handicap. Former Commissioner Nelson has explained that marriage or immediate family relationship alone would not be enough for INS to refrain from deporting an individual. With regard to children, the policy would only protect them from deportation if both of their parents qualified for legalization or, in the case of single-parent families, if they lived with the parent who qualified.

In addition to our concerns regarding the putative fairness of the INS policy, we also are concerned because the policy does not set adequate guidelines for local INS district directors to follow. Specifically, there is no clear guidance regarding which circumstances would constitute "compelling or humanitarian factors" which would protect individuals from deportation.

We argued before that these shortcomings in the INS policy on families jeopardized the success of the Legalization Program because the ineligible family members would continue to reside in the United States without the benefit of legal status or work authorization. In effect, the problems we sought to solve with the establishment of the Legalization Program would continue and we would still have a subclass of individuals living in fear and vulnerable to exploitation.

Mr. President, in the time that has elapsed since we last raised these issues we have seen that what we thought would happen, has happened. The discretion which has been given to the local INS district directors has caused many individuals to not try and adjust their status under the INS family policy. In fact, Mr. President, these have been incidents in my home State of California which reinforce the mistrust these individuals have in the INS. I ask that the text of an article which appeared in the San Francisco Chronicle, dated May 31, 1989, entitled "INS Accused of Wrongfully Returning Teenager," be entered in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. CRANSTON. This article describes a situation where two sons of a man who qualified for legalization were recently deported to Mexico even though the sons apparently could have qualified for protection for deportation under the INS family policy. There is a dispute about whether the INS attempted to notify the father before summarily deporting his sons. However, this incident and another referred to in the article regarding INS efforts to deport an 8-year-old daughter of a Peruvian woman who qualified for legalization, demonstrate the need for a more humane and uniform national policy with regard to these families.

The fact is that there are many families who find themselves in the situation where one or more members of their family could not legalize their status in this country under the legalization programs, and who are also afraid to invoke the INS family policy because of the uncertainty regarding the outcome. One California organization which processes legalization applications reported that 47 percent of its caseload have family members who did not qualify for legalization. Clearly, we should do something to remedy this situation.

The amendment we are offering is a very modest measure. It merely assures these families that their family members who could not qualify for legalization will not be deported, and will be authorized to work. Under this amendment, the family members who will be benefitted would have had to have been in the United States as of the date the Immigration Reform and Control Act was enacted—November 6, 1986. Thus, this amendment would not encourage or reward any unauthorized entry since the date this new immigration law went into effect.

Also, the persons benefitted by this amendment would have to wait in line along with others wishing to apply for family preference visas. The amendment also defines the period within which these individuals must apply for these visas. What this amendment ac-

complishes is that it keeps the family unit intact during this waiting period.

Mr. President, this amendment is necessary, it is reasonable, and it is a humane response to the difficult situation which many families find themselves in. I urge my colleagues to support it.

EXHIBIT 1

[From the San Francisco Chronicle, May 31, 1989]

INS ACCUSED OF WRONGFULLY DEPORTING TEENAGER

(By Edward W. Lempinen)

Immigration agents seized a 15-year-old boy in his Mission District home and deported him to Mexico earlier this month without letting him contact a lawyer or his father, who is in the country legally, attorneys charged yesterday.

The U.S. agents entered the home without a search warrant, then took Orlando Mis-Fajardo and his 24-year-old brother into custody even though their father, Santos Enrique Mis, qualified under the federal amnesty, said attorneys from two local refugee-rights offices.

At a news conference, they suggested the deportation is part of an emerging pattern of harassment by the U.S. Immigration and Naturalization Service against children as young as 8 whose parents are legal residents.

"Our guess is that this kind of deportation . . . is a subtle message to the immigrant community—people better not stay here (because) we don't want you here," said Christine Brigagliano of the Coalition for Immigrant and Refugee Rights and Services.

District Director David Ilchert adamantly denied the charges yesterday, saying the agents had permission for the search and had given the brothers a chance to contact their father. Orlando did not qualify for amnesty, he said, and therefore was sent back to Mexico where his mother lives.

FAMILY FAIRNESS POLICY

At the center of the dispute is a disagreement about the sweeping 1986 Immigration Reform and Control Act. The law does not specify what happens when parents qualify for amnesty under provisions of the law but their minor children do not.

A "family fairness policy" issued later by the INS says that children will be allowed to stay by meeting two conditions: that they entered the country before November 6, 1986, and registered with the INS, and that the mother or father in a single-parent household has been granted temporary resident status.

According to immigration attorneys at La Raza Centro Legal in the Mission District, Mis-Fajardo met those conditions, although he had not registered with the INS. But they called the deportation an "inexcusable violation" of current U.S. policy.

The law center alleges that on May 11, two INS agents went into the Mission Street home shared by the teenager, his brother Santos Tomas Mis-Fajardo and their father. The brothers contend the agents came in without a warrant or permission.

The brothers were taken into custody and separated. The attorneys allege that they repeatedly asked for permission to contact an attorney and their father, but were denied.

WAITING IN TIJUANA

Both were deported that day and now are waiting in Tijuana for permission to return to San Francisco.

"They didn't allow my sons to communicate with me (before the deportation), and I don't think that's fair," their father said through an interpreter. "I haven't done anything wrong. My sons haven't done anything wrong."

Mis, a dishwasher, said he entered the country in 1981 and has been granted "lawful temporary resident" status by the INS.

Mario Salgado director of La Raza Centro Legal, said Mis had not registered Orlando because he feared the government would deny him amnesty and deport him.

Mis and his wife have been separated since 1981, and the brothers lived with their mother in Mexico until she "abandoned" them to live with another man in 1985, the lawyers said.

But Ilchert said that Orlando did not qualify to stay because there is no proof that the parents are legally separated or divorced. Therefore, he said, Orlando is not a member of a single-parent family under federal policy.

INS WANTS PROOF

The family's attorneys have not come forth with proof of a divorce or separation, he said.

"I'm waiting for them to come forward with the story," Ilchert said. "I told them, 'If you want to try the case in the press, that's fine.' It seems like they want to talk with you (reporters) more than they want to talk with me."

Salgado said his office has appealed for help to U.S. Representatives Barbara Boxer, D-San Francisco—Marin, and Nancy Pelosi, D-San Francisco, and to Supervisor Jim Gonzalez.

Gonzalez, in an interview, called the deportation an "outrage."

In a case earlier this month, the INS was threatening to deport an 8-year-old Central Valley girl, even though her Pervian mother had won amnesty as a special agricultural worker.

Mark Silverman, an attorney with the Immigrant Legal Resource Center in San Francisco, appealed the case and won an exemption from the INS, allowing the girl to stay until at least 1991.

The PRESIDING OFFICER (Mr. ADAMS). The time of the Senator has expired.

Who yields time?

Mr. CHAFEE. Mr. President, the junior Senator from California wished to speak on this amendment and is on his way over. I will make this bold request. I would ask for a quorum call with it not being charged to either side, just waiting a few minutes for the junior Senator from California to get here.

The PRESIDING OFFICER. That has to be in the form of a unanimous-consent request. The Chair accepts the request as such. Is there objection? The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I do not know if I will object. Many people came by our post here during the course of the last hour saying, "When is the next vote?"

Mr. CHAFEE. The next vote is going to be very shortly. Let us say we will wait for the junior Senator for 2 minutes maximum.

Mr. SIMPSON. Why not proceed to discuss the bill under the time agreement we just agreed to?

Mr. CHAFEE. That is agreeable to me, Mr. President.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I should like to address some of the points the Senator from Wyoming raised. First is the family fairness doctrine of which he speaks. The trouble with the family fairness doctrine is that it is unevenly applied. It is applied one way in Illinois and it is applied another way in New Mexico.

Second, the Senator points out that very few deportations have taken place. Is it 16 or is it 20? In any case, the Senator says it is less than 100. In my judgment, each of those has been a heartrending experience for those involved. If you are 1 of the 20 or you are 1 of the 100, it is pretty real and you are not interested that you are only 1 of 100 in the Nation. You are interested in what is happening to yourself.

Furthermore, I wish to emphasize that if that is all we are deporting, what is the matter with passing the legislation? We are not having a hoard of individuals stay in the United States under this legislation. There are no extras that will come here.

Now, another point I wish to make is we have arranged a wholesale invitation, a second amnesty program. As I said before, it is not an "all-in-free situation," come one come all. There is a cutoff date. They had to be here before November 6, 1986. That is nearly 3 years ago. They did not know whether this amnesty legislation was going to pass or not. They were not rushing in to beat the deadline. They did not even know about that. All they knew was that the legislation at that time carried a cutoff date of January 1, 1982, but the most probable situation is they did not know this legislation existed anyway. They were one of the million illegal aliens who were pouring into the country.

Finally, the Senator from Wyoming quite rightfully says these illegal aliens who came in and qualified for amnesty, you are giving them a special privilege you are not giving to a legal alien who came here and now wants his wife in. That is true. That is absolutely true. But, Mr. President, it seems to me we crossed the Rubicon on that situation. We made the choice. We decided that we are going to treat this group differently. They were here. There were millions of them. We said look, for practical, for political, for compassionate reasons we cannot do anything about it. We cannot ferret everybody out who is an illegal alien and send them home. So we said there

is going to be a cutoff date for them. But I could not believe we really thoroughly thought about the spouses and minor children that might come shortly thereafter.

The PRESIDING OFFICER. The Senator from Rhode Island has 2 minutes remaining. The Senator from Wyoming has 9 minutes 4 seconds.

Mr. CHAFEE. Mr. President, I yield 2 minutes to the Senator form California.

The PRESIDING OFFICER. The Senator from California is recognized for 2 minutes.

Mr. WILSON. Mr. President, I rise to support the Chafee amendment. What we saw was that IRCA was intended in part to bring about a program of legalization. Amnesty it was called.

People expressed wonder that it did not work. Well, there is no wonder. In a household of five people, where two were eligible and three were illegal, the three who were illegal might have been compromised by the efforts of those who were eligible for amnesty to come forward.

This is ridiculous in the sense that we are talking about setting a standard that cannot be enforced in any case. There is not the ability to enforce the law. The law should not be enforced as it is being proposed by the Senator from Wyoming because in fact what we ought to do is recognize that family reunification is a just thing, that we have an unworkable situation where those who are compelled to live in the shadows face the threat of deportation whether in fact they will be deported or not. Let us recognize that they should not be and let us see to it that they can have the opportunity to work, to be productive members of society, and the provisions that have been set up for their becoming citizens are entirely reasonable. They fall within what are really almost existing preferences.

This country was built on certain values. One of those that we continue to prize today is the value of the family unit. We ought to say to people whom we have said you can stay in this country and be legal citizens that they can stay with their families, their immediate families.

Mr. President, I urge the support of this amendment.

Mr. SIMPSON. Mr. President, I yield an additional minute of my time to the Senator from California, if he wishes to conclude.

The PRESIDING OFFICER. Does the Senator from California wish to conclude?

Mr. WILSON. I thank my friend for his generosity.

The PRESIDING OFFICER. The Senator from California is recognized for 1 minute.

Mr. WILSON. Mr. President, I thank him for his generosity, and I think what we should recognize is that the law as it now stands has produced unintended hardship in my State and in many others. There are literally doubtless hundreds of thousands of people living in the shadows. That makes no sense. It is doing no one any good. Let them become productive, let them come out of the shadows, let them become employed, and let them in fact become citizens in due course. We are under the other provisions of this legislation giving explicit preference to the immediate relatives, and that is what we are seeking to do in this situation. For the most part it is also, I must say, and I reemphasize the fact, an unworkable situation now. We simply do not have the manpower to expend but the threat of deportation remains.

Mr. President, this is just not helpful. I suggest that the time has come for us to say if this is to be regarded as such an expansion of amnesty, then so be it. Let us do so and let us not continue with a situation that is both unworkable, inhumane, and one that does not benefit the present citizens of the United States.

I thank my friend for his generosity in according me the time.

The PRESIDING OFFICER. The time of the Senator from California has expired. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I hear the arguments presented very clearly, and I hear the comments with regard to the bill of 1986. I say to anyone who thinks, and legitimately so, that it is not working, let me always say what do you have in mind? What should we do now? I think all of us will want to work toward that. We knew what was happening when we did the original bill. We knew that the identification system was worded appropriately, but no one wanted to use a "National ID card" and so people have gimmicked that system royally. We knew that. We knew we did not want to put any burden on the employers. We knew that. We knew we did not want to discriminate against people. We knew that. We do know now that we need better identification systems, perhaps a tamperproof Social Security, whatever. There are lots of things that were discussed.

Senator MOYNIHAN was always a hard-working laborer in that area, and many others. It does not have anything to do with tattoos. It does not have anything to do with that kind of thing. That is what always enters this debate when you get into it. We need more resources. We talk about people in the shadows. There will always be people in the shadows of the United States because that is where everybody in the world wants to come. They know we are a compassionate, remarkable country, and they know that when they come nothing will happen to them.

We have only deported 23,000 people in the whole year, and some of them were real skyrockets. We hardly even take on the drug runners and deport them. Our deportation is practically nil when you consider the illegal and legal immigration into the United States. We are in the kiddie league on deportation. We certainly are in this area when we have removed only 12 people here in this situation.

It has been unevenly applied. We should correct that. I agree totally with the Senator from Rhode Island. I will help him do that. But remember that each and every person that we talk about with all this anguish made a voluntary decision to separate and split from their own families. They decide to split. The Government of the United States did not split them. They split. We seem to lose track of that. And they split, and one or both of them knew they were coming illegally to the United States. And with the way we are, it is our strength and our weakness. We have supported those people. We gave them an amnesty. That was something. It was not just willy-nilly. It was a deep-held policy statement of the United States.

It said you people who have been here for 5 years, who have established equities, you people we read about in the newspaper—and anyone can tear one of those out of any newspaper. A lot of illegals who came here illegally knew what they were doing, violated the law, and love to go to the newspapers. Then politicians tear it out and their staffs tear it out. They bring it in here and we twist the law all around one more time. That is how this place works.

I have files full of those people. Then you go into it and you find out, well, he forgot to tell them that he lied about his status. He forgot to tell them that he had been involved in a criminal activity. He forgot and now because he is a member of the chamber and he has given money for the auditorium, done all these other things, you do not dare touch him or the mailroom will break down. There are people who do that in the world. I just want to share that with you. I am not a cynic, but I am a skeptic. I certainly am. There is a lot of difference.

So you talk about the communications system. Let me tell you I have been working on this issue for 10 years; Senator KENNEDY, for 27. Ma Bell has nothing on people who want to know when to come to the United States, when we are diddling around with legislation and when we are not, and when we are talking about amnesty.

The reason we set the amnesty date where we did was because there was a surge in illegal entry the day it first

became known we were considering one, an absolute press against the border. That is the way it works. I am not worried about anybody who did not get the message. They got the message. It goes out in the communication system. That is beyond comprehension. But those are things.

Family fairness should be uniformly applied. I agree with my friend. I will assist him in assuring that. I pledge that. We do not need the Chafee amendment to ensure uniform application of an existing policy. We will work with the Attorney General. I pledge to do that.

I just do not see how we should tie the hands of the INS so that no one who has entered even as recently as 1 day before the law was signed is somehow receiving this remarkable benefit. I understand the sympathy for family members. Boy, do I. I have been there.

We are always going to have these people living in the dark. You know what happens in America? The people that live in the dark get exploited. There are so many people in various States of the Union that love to use these people, and then come in here and prattle on about, you know, human rights, rights of work. Let me tell you. There are people that love and hope that every law fails so they can just continue to whoop it up, use people, pay them little or nothing, and hide them back in the woods. That is another interesting thing about this line of work.

So I think when you do this on this broad basis it is a mistake. I think it is a second amnesty. I hope we do not accept it. I think we cannot treat these people in a better way than we treat people who are here in legal status with illegal family members, and that is exactly what this would do.

I understand fully the compassion of the Senator from Rhode Island—that is a known quantity to me—and also the Senator from California who assisted me in the immigration bill. And, ladies and gentlemen, the real issue is if you do not like it, what do you have in mind, and how do you really bring people out of the dark when we have a group of citizens in the United States who love to use and abuse illegal undocumented people and people in lesser status?

We even fought a war about that 120 years ago. That is what is down underneath a lot of this stuff, too, when you play with it. Nobody ever talks about the stuff that is really out there. We get pretty flowery in our work. I do, too; we are all good at it, or we would not get here, I guess. But I tell you, it is a tedious process to watch, people who gimmick the system and then run somewhere to get something done. There are many marvelous attributes of humanity, such as compassion and sympathy, and then to know that we are bringing in a lot of them who just chuckle when they go home at night and say, "Boy, we ran another whizbang on those guys," and they do.

If you can help me separate the wheat from the chaff, I am ready. It does not have anything to do with ethnicity, bigotry, or racism. It has to do with gimmickry and exploitation of our fellow man. We do it magnificently, and it is not very pretty.

The PRESIDING OFFICER. The time of the Senator from Rhode Island has expired, and the Senator from Wyoming has 7 seconds left.

Mr. SIMPSON. I yield back the remainder of my time.

Mr. KENNEDY. Mr. President, earlier this year, I intervened with the Immigration and Naturalization Service on behalf of a Honduran woman and her three children who faced the imminent prospect of deportation. The woman's husband benefited from the recent immigration amnesty program. He arrived in the United States sometime before the amnesty program's January 1, 1982, eligibility cutoff date. But his wife followed to join him in September 1982—just 9 months too late to qualify for amnesty.

Two of their three children were born after her arrival here, making them American citizens. But when this woman was apprehended by the Immigration Service, she was placed in proceedings and deported on March 28 of this year, taking her children with her.

Mr. President, I believe that this family should have been kept together. They narrowly missed the amnesty program. The wife would eventually qualify for permanent residence based on her husband's amnesty. They had two American-citizen children. And the Immigration Service had established a policy to limit the deportation of spouses and children of amnesty recipients.

However, my office was informed that this case fell outside this so-called family fairness policy. Clearly, if that policy will not help this family, with all its equities, then the policy needs adjustment. That is what the amendment by the Senator from Rhode Island would responsibly do.

Mr. President, the experience of this Honduran family, now separated, is not an isolated incident. I have here scores of other similarly compelling examples of families who went in to the Immigration Service expecting assistance only to be immediately issued deportation notices.

But Mr. President, let the amnesty record of our country be clear. The results exceeded most of our expectations. Over 3 million productive workers and their families were brought out of the shadows and under the protection of our laws.

For this we owe a tremendous debt of gratitude to the men and women of the Immigration Service and to the volunteers and professionals of the voluntary agencies and community groups for their extraordinary efforts in making the program the success that it was.

The Immigration Service developed the family fairness policy in October 1987. And since that time, officers in the field have used this policy flexibly to keep many families together. By and large, INS officers have acted generously, approving cases even beyond the policy's guidelines.

But there are many other cases of a compelling nature which have not been viewed so generously. And that is what the Senator from Rhode Island's provision would redress today. It would not bring the Honduran family back together. But it would provide a remedy in certain cases—at least until they qualify for permanent residence.

Mr. President, 2 years ago, the Senate considered whether to expand the amnesty program to encompass relatives of amnesty recipients. That initiative was narrowly defeated.

But things have changed and the amendment before us has changed.

For one thing, we now have a record of deportation of family members—of spouses and children being taken away after we welcomed part of the family through amnesty.

Second, these deportations have been at considerable—and I believe needless—expense to the taxpayer. These are families which will eventually qualify for immigrant visas. Yet, the Immigration Service pays the airfare home for most of these families. And considerable officer time is expended on each case, costing hundreds, if not thousands, of dollars.

Finally, this is a different amendment than the one before us 2 years ago. It covers only spouses and children—not the remainder of the family—and only those who were here before the amnesty program was enacted on November 6, 1986.

In addition, unlike its predecessor, this amendment does not qualify the family members for the amnesty program. It merely stays their deportation. They are in legal limbo. And when their time comes, they must apply for—and qualify for—an immigrant visa, or face deportation.

Mr. President, it is time we took the modest step the Senator from Rhode Island is proposing, and I urge my colleagues to support his amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 61, nays 38, as follows:

[Rollcall Vote No. 107 Leg.]

YEAS—61

Adams	Durenberger	Mack
Baucus	Glenn	McCain
Bentsen	Gore	Metzenbaum
Biden	Graham	Mikulski
Bingaman	Gramm	Moynihan
Boren	Harkin	Packwood
Boschwitz	Hatfield	Pell
Bradley	Heflin	Reid
Breaux	Heinz	Riegle
Bryan	Inouye	Robb
Bumpers	Jeffords	Rockefeller
Burdick	Johnston	Sanford
Chafee	Kasten	Sarbanes
Conrad	Kennedy	Sasser
Cranston	Kerrey	Simon
D'Amato	Kerry	Specter
Daschle	Kohl	Stevens
DeConcini	Lautenberg	Wilson
Dixon	Leahy	Wirth
Dodd	Levin	
Domenici	Lieberman	

NAYS—38

Armstrong	Gorton	Nickles
Bond	Grassley	Nunn
Burns	Hatch	Pressler
Byrd	Helms	Pryor
Coats	Hollings	Roth
Cochran	Humphrey	Rudman
Cohen	Kassebaum	Shelby
Danforth	Lott	Simpson
Dole	Lugar	Symms
Exon	McClure	Thurmond
Ford	McConnell	Wallop
Fowler	Mitchell	Warner
Garn	Murkowski	

NOT VOTING—1

Matsunaga

So, the amendment (No. 244) was agreed to.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. The Senate will be in order so that Members can hear. Senators in the aisle, please take your seats.

Mr. CHAFEE. Mr. President, I ask unanimous consent that Senator WILSON be added as a cosponsor of that amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, I have an amendment.

The PRESIDING OFFICER. The Chair will state that the pending business is the Gorton amendment, which was set aside for the purposes of the Chafee amendment.

Mr. GORTON. Will the Senator from New Hampshire yield for one brief unanimous-consent request?

Mr. HUMPHREY. Yes.

Mr. GORTON. Mr. President, I ask unanimous consent that Senator D'AMATO be added as a cosponsor to the Gorton amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. I thank the Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, I ask unanimous consent to temporarily set aside the Gorton amendment.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

AMENDMENT NO. 245

(Purpose: To amend the Immigration and Nationality Act to continue to permit, after October 1, 1989, the immigration of certain adopted children)

Mr. HUMPHREY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. HUMPHREY] proposes an amendment numbered 245.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

SEC. 109. CONTINUING PROVISION PERMITTING IMMIGRATION OF CERTAIN ADOPTED CHILDREN.

(a) IN GENERAL.—Section 101(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(2)) is amended by inserting before the period at the end the following: ", except that, for purposes of paragraph (1)(F) (other than the second proviso therein) in the case of an illegitimate child described in paragraph (1)(D) (and not described in paragraph (1)(C)), the term 'parent' does not include the natural father of the child if the father has disappeared or abandoned, or deserted the child or if the father has in writing irrevocably released the child for emigration and adoption".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1989, upon the expiration of the amendment made by section 210(a) of the Department of Justice Appropriations Act, 1989 (title II of Public Law 100-459, 102 Stat. 2203).

Mr. HUMPHREY. Mr. President, this is really a technical amendment. It has been cleared on both sides. It has been cleared with the Immigration and Naturalization Service and OMB. All parties support it. I do not really think that any discussion is necessary, unless some have questions.

Mr. KENNEDY. Mr. President, I thank the Senator from New Hampshire. The effect of this amendment is to correct an unintended consequence of the law change in 1986. In giving petitioning rights to fathers as well as to mothers, we inadvertently affected the adoption process. This restores what was the technical language which would continue the adoption process prior to that period of time. It has been cleared with the administration. We welcome the amendment and are delighted that the Senator from New Hampshire has brought this to our attention.

The PRESIDING OFFICER. Is there further debate?

Mr. HUMPHREY. Mr. President, this amendment is similar to legislation which I introduced in June along with Senators BENTSEN, HATCH, GRAHAM, and SIMON.

This amendment will make permanent a small, but important provision offered by our former colleague, Senator Chiles, to the Commerce, Justice, State appropriations bill. Unless extended, the Chiles provision will expire at the end of the present fiscal year.

The aim of this amendment is to preserve foreign adoptions. Ten thousand foreign children come to America each year to be adopted by American families. This is not a large number by INS standards, but there is no way to overestimate the importance of these children to their adoptive parents or of these parents to the children. Anyone who has worked with these parents knows how thrilled they are when their child arrives. Anyone who has met with the children who have become Americans can see how well they do, how good it was that they were allowed to come.

Since World War II, American families have developed a tradition of taking in orphans from around the world. This tradition is a credit to our country and warrants protection.

My amendment seeks to correct a problem first raised by an 1987 INS memorandum. Until that memo, authored by the acting general counsel of INS, that agency had never considered the foreign fathers of illegitimate children when clearing these children for immigration as orphans. INS presumed that these men were out of the picture, and required only the mother, it she were present, to release her child for emigration and adoption.

The 1987 memo gave putative foreign fathers a right to approve the emigration and adoption of their birth children. This change caused two dilemmas:

First, standards for compliance were unclear and possibly insurmountable. How does one find these fathers? What must one do before INS acknowledges that the father can't be found?

Second, finding the father could make the child ineligible for immigration even if the father agrees to the

adoption. If one finds the father and there is also a mother, the child can't be declared an orphan because then the child would have two parents, and the Immigration and Nationality Act specifies that an orphan have no more than one parent.

These restrictions on designating a child as an orphan are significant because virtually all the foreign children adopted in this country come here as orphans, and a large percentage of these are illegitimate children. Requiring agencies and American families to track down the putative fathers would, under existing law, greatly restrict foreign adoptions.

There is no need to impair foreign adoptions to ensure reasonable rights for foreign fathers. My amendment addresses the issue by specifying that INS will not concern itself with the putative father when he has disappeared, abandoned or deserted the child. When the putative father is present, INS can require that he approve his birth child's emigration and adoption. If he does, the child can still immigrate to this country as an ophan.

This was a reasonable solution when it was adopted a year ago, and it is a reasonable solution now. I urge my colleagues to approve this amendment.

Mr. SIMPSON. Mr. President, I commend the Senator from New Hampshire, my colleague, who has been deeply involved in this type of activity since his coming here. We came here at the same time in 1978. I commend the Senator from New Hampshire. His interest in family and adoption and the rights of parents is well known to us all. I commend him for this amendment.

Mr. HUMPHREY. I thank the Senator from Massachusetts and the Senator from Wyoming for their support and their help.

The PRESIDING OFFICER. Is there further debate?

If there is no further debate, the question is on agreeing to the amendment of the Senator from New Hampshire [Mr. HUMPHREY].

The amendment (No. 245) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 246

(Purpose: To strike out the employment creation visa category)

Mr. BUMPERS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Chair would state to the Senator from Arkansas that the pending business before the Senate is an amendment by the Senator from Washington [Mr. GORTON].

Mr. KENNEDY. Mr. President, I ask unanimous consent that the amendment of the Senator from Washington be temporarily set aside and it be before the Senate after the disposition of the amendment of the Senator from Arkansas.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

The clerk will report the amendment of the Senator from Arkansas.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 246.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 94, strike out line 11 and all that follows through line 2 on page 95.

On page 95, line 3, strike out "(5)" and insert in lieu thereof "(4)".

On page 97, line 13, strike out "(5)" and insert in lieu thereof "(4)".

On page 97, line 19, strike out "(5)" and insert in lieu thereof "(4)".

On page 98, line 2, strike out "(5)" and insert in lieu thereof "(4)".

On page 98, line 7, strike out "(5)" and insert in lieu thereof "(4)".

On page 101, line 21, strike out "(5)" and insert in lieu thereof "(4)".

On page 102, line 7, strike out "(5)" and insert in lieu thereof "(4)".

On page 102, line 10, strike out "(5)" and insert in lieu thereof "(4)".

Beginning on page 105, strike out line 15 and all that follows through the item between lines 10 and 11 on page 115.

On page 116, line 7, strike out "(5)" and insert in lieu thereof "(4)".

On page 116, line 11, strike out "(5)" and insert in lieu thereof "(4)".

On page 117, line 7, strike out "(5)" and insert in lieu thereof "(4)".

On page 117, line 18, strike out "(5)" and insert in lieu thereof "(4)".

Mr. KENNEDY. Mr. President, is the Senator from Arkansas willing to enter into a time agreement on this amendment?

Mr. BUMPERS. I would not think that this amendment would take a lot of time. I am not prepared at this moment to enter into a time agreement. I think at the time I finish my statement on it, if the Senator would still like to enter into such an agreement, we can arrange it.

I have no interest, let me assure the managers, in prolonging this debate. As you know, this is the third time since 1983 that we have debated this amendment. Many of the Senators who have been here are familiar with it; some of the new ones perhaps are not. But, as I say, I have no interest in prolonging it.

Mr. President, as Yogi Berra used to say, "This is déjà vu all over again."

As I pointed out, this is the third time we have been through this. I was successful in deleting this so-called fat-cat provision from this bill in 1983 and was not successful last year. A motion to table my amendment was agreed to.

I am hoping that a lot of Senators will be watching and listening to the debate, and certainly those Senators who have come here since last year, I invite their very close attention to this amendment.

The amendment strikes a section of the bill, specifically section 203(b)(4), and simply because there is a reference to it also in section 104 of the bill, I strike that too.

Now, what is in this provision that I find so odious that I want to strike it totally from the bill? It is very simple. The bill provides that if you have $1 million, and you are willing to invest that $1 million in a new business and employ 10 persons for 2 years, you can become an American citizen.

There are some things about this bill that trouble me. The provisions dealing with allowing skilled workers and certain persons with high technological skills, those things are troublesome to me. But the idea of allowing somebody into this country simply because he or she happens to have $1 million, either inherited, made in the drug cartel, regardless of where the money comes from, there are 4,800 positions in this bill for them.

I must say, everybody in the Senate does not share, obviously the managers of the bill and the committee do not share, my outrage that this provision is in the bill. But for the life of me, I do not know why.

I went home last week and all anybody wanted to talk about in my State was flag burning and, incidentally, diving mules. We had a discount store down there that hired some guy who had three mules that dove off a platform. The Humane Society tried to get a restraining order without success, so the mules dove.

It was kind of interesting. I watched it on television. I was with the Humane Society in my heart, but the mules looked like they survived it very well.

Then we had another thing where a man wanted to burn a flag on the Capitol steps, and for 6 days the State was in utter turmoil over the flag. Any everybody was incensed that somebody not only wanted to burn a flag but wanted to burn it on the Capitol grounds with all the television cameras in the State, all the people that could gather there to watch. And ever since the Supreme Court rules as it did on flags, the country has been terribly agitated and upset.

What this bill says is they do not even have to love the flag. All they have to do is have $1 million. I talked

to some Members of this body who are second- and third-generation immigrants, and I dare say every one of them will vote for my amendment. All we have to do is simply ask them, "When did their folks come over?" The 1900's? The 1910's? The 1920's? And then we ask them:

How many of their folks could have gotten into this country if there would have been a requirement that they have $1 million?

The answer is clear without an answer: Nobody.

The scales of justice in this country may be blind, but under this bill Lady Justice can hear cash tinkling in your pocket.

There is an INS regulation on the books now, there has been one since 1977, that if you have $40,000 and are willing to employ one person, you can get into this country. And, interestingly, not one single soul has ever entered the United States under that regulation.

Last year when we debated this, the bill contained a provision that you had to have $2 million. After I was defeated, my distinguished colleague and good friend from Texas, Senator GRAMM, offered an amendment to cut that to $1 million. So that was the provision left in the bill and, happily for all of us, that bill never got to the President's desk.

So what we have developed here is a toll road. The road to the United States today, if this bill becomes law, will be a toll road.

For the edification of the mangers of the bill, I have changed my amendment from the one I originally introduced, where we split the 4,800 immigrants up between two other categories. I just strike this investor preference.

If somebody wants to take those 4,800 slots and put them someplace else, be my guest. I will support you. But I am just simply saying I find it objectionable in the extreme that this bill again provides for a million bucks they can get in.

It is a drug dealer's dream. Every poll we see shows that the No. 1 concern of the American people is drugs. So if someone happens to be a drug dealer and they have made it big in Colombia, Peru, Mexico, The Bahamas, wherever, and they want to come into this country for $1 million—that is just one good day's pay for a big operator. He would not hesitate to start a hamburger joint and hire 10 kids for $3.35 an hour to get into the country. And who are the people who are running around with big suitcases full of cash? Why, they are members of the drug cartel. And this plays right into their hands.

In 1981 there was a Select Committee on Immigration, and we will hear the managers of the bill make the argument that the select committee voted 15 to 1 in favor of this. But at that time, this country needed jobs and it needed capital. There might have been some rationale for it. But I will tell you one thing.

Father Hesburgh, who is president of Notre Dame University, was the one dissenting vote and here is what he said.

There is nothing wrong with persons who wish to invest. An investment is good for the USA. But the rich ought not to be able to buy their way into this country.

Father Hesburgh is one of the most respected men in this Nation. It is kind of like Abe Lincoln, polling his Cabinet one time, 9 yeas, and they got to Lincoln and Lincoln said no.

He said: The vote is 9 yeas, 1 nay—the nays have it. That is the way I feel about that select committee. Because Father Hesburgh expresses my thoughts perfectly.

The committee has gone to great lengths to obfuscate the real problem here. There is page after page of how the Attorney General can file deportation proceedings against somebody if they do not do what they said they would do. If, at the end of 2 years, they do not have 10 employees, then we can go through all kinds of proceedings to deport that person.

There was a GAO report, January 1987, and here is what it says about our ability to deport people once they get here.

Based on our study about 2 percent of the denied aliens have been deported. Thirteen percent remain in the United States either awaiting hearings or under other immigration provisions. And a negligible percent have left voluntarily. About 80 percent have uncertain immigration status because INS has not started deportation proceedings.

So, do not worry about the Attorney General deporting these poor folks who did not make it. It will never happen.

What happens to some guy who comes over here with $1 million and goes into bankruptcy? He did his best, tried to survive, but could not make it to the end of 2 years. What are you going to do with him?

What is a new business, under the terms of the bill? On page 21 of the committee report, the committee says:

Amended section 203(b)(4) is intended to create new employment for U.S. workers and to infuse new capital into the country, not to provide immigrant visas to wealthy individuals.

That is what we call an oxymoron, where there is a contradiction in the same sentence. It is intended to create new employment, not to provide entrance for wealthy individuals. If it is not designed to permit entrance to wealthy individuals, why do they have to have $1 million to get in?

How about people who are trying to reunite with their families? Here are 4,800 spots taken away. If we can afford 4,800 more immigrants into this country, for Pete's sake, let us given them to deserving people.

I abhor the thought of somebody having a million dollars and sailing right by the Statue of Liberty, whether he cares anything about the country or not. He may be on the lam from the law. He may be anything. But he is not necessarily coming here because he loves Uncle Sugar and our wonderful flag.

We are already being bought up. Listen to this: the Japanese are financing 30 percent of our debt. There is over $1.5 trillion of foreign investment now. One trillion dollars of our Government securities are owned by foreign investors. Every Governor I know is spending half his time in Europe and Japan trying to get people to come here and build plants. British investment in this country has gone up 192 percent since 1980. We are being bought out lock, stock and barrel.

We do not need to be giving visas to drug dealers. According to the Washington Post, since 1977, foreign ownership of U.S. factories, banks, businesses and buildings has more than quadrupled. At the end of 1987, Europeans had $785 billion in United States holdings, compared to Japan's $194 billion. We spend a lot of time bashing the Japanese, but the truth of the matter is, they do not hold nearly as much property in this country as do the Europeans.

The list goes on and on. According to that same Post article, I want my colleagues to listen to this, and it is not entirely unrelated to this amendment, 64 percent of the prime real estate in downtown Los Angeles is owned by foreigners. Thirty-nine percent of Houston is owned by foreigners, and the city in which you sit right here, the Nation's Capital, 23 percent of it is owned by foreigners.

And we want to say if you bring $1 million over here, we will let you in personally. The Japanese own $9 billion worth of real estate in Hawaii alone. Real estate values went up 50 percent there in the last 2 years. In 1987, they bought 41 percent of all the condominiums in Honolulu. They own more than half the hotel rooms in Waikiki, and they own 10 of Oahu's 14 private golf courses.

According to that same Post article, in 1988, British investors committed a record $32.5 billion to acquire 400 United States companies. And if you read the Wall Street Journal or the Washington Post this morning, you saw where James Goldsmith is making a tender offer of $21.5 billion for an American company.

My point, I say to my colleagues, is simply that we do not need this provision to encourage foreign investment in this country. Anybody with a good immigration lawyer can come and stay.

You will hear the managers argue:

Well, we have treaties with other countries where all you have to have is $100,000 and employ 1, 2, 3, 4 people.

Where anybody has ever entered the country under that provision or not, I do not know. But at least under those treaties we have the same privileges in their country, though I do not know of anybody who wants to leave the United States to go someplace else. But I suppose you could at least say that it is equitably fair when you enter into a treaty with 3 other nations that say you can invest here and we can invest there.

I wish, Mr. President, we could debate this like the Manassas Battlefield. Senators came in and took their seats at 9 o'clock in the evening, and we debated for 3 hours, and everybody knew what the debate was about and voted and voted right. The reason I know it was right is because it was my amendment. I can tell you that if you show this on national television, 80 percent of the people of America would be just as offended as I am that this provision is in this bill.

Mr. President, what we have here, based on all those statistics I just read off, is an ongoing auction of America, and what I really believe is happening under provisions like this is that we are also auctioning off our souls.

Most of you have heard me debate the bounty hunter provision where you pay people to snitch on their employers. And I know that we have uncovered some wrongdoing in this country by paying a certain percentage of whatever we recover. One guy with Singer Co. stands to make $64 million because he blew the whistle. He said that he had known the Singer Co. was defrauding the Pentagon and had known for years, but it was only when his lawyer told him he stood to make $64 million that he came forth and told the authorities.

As bad as that fraud was, I find that really repulsive. Have we become so crass in this country that we have to pay people to do their civic duty? Have we become so insensitive to our greatness and what we can do on our own without bribing people?

On the Fourth of July when this gentleman in Arkansas tried to burn the flag on the Capitol grounds, there was a little bit of a mob scene. There were some punches swung; there was some blood.

Saturday morning I was speaking to the Governors School. At Hendrix College, 400 of the creme de la creme of the 17-year-olds in the State and their parents, and I was talking to them about this. I said if the media really wanted to perform a service, instead of playing up all that business about whether he would or would not be able to burn the flag and who was going to get killed, they should have taken a poll of the 300 people there and asked them how many of them had registered to vote and how many of them had voted in the last election.

Maybe the kind of patriotism I feel about this is old fashioned and it is quite obvious if I have come to this floor three times over the last 6 years, not to mention twice on the so-called bounty hunter provision. All I am saying is we need to instill in the American people some sense of pride, some sense of patriotism, love of flag, whatever you want, without these pecuniary benefits in here. The committee says this provision will create 48,000 jobs.

Do you know how they each that conclusion? Forty-eight hundred slots at 10 jobs each. The assumption is there will be 4,800 people coming here every year, and each one will create 10 jobs and that comes to 48,000. I tell you what I will do. I will stand on my head on the dome of the Capitol on December 31 every year and wiggle my ears if that happens. Everybody knows that is nonsense.

Now, what did we do here just recently on a debate on the FSX? The question was: Shall we or shall we not participate with the Japanese in building a fighter plane in Japan? The Senate by a very narrow margin said yes. And by saying yes, you can argue we were exporting jobs to Japan and saying to them:

You do not have to buy the F-16, which is as good or better than any fighter plane you are going to build. You can continue to run this gigantic trade deficit against us.

And now we turn around and say through this provision:

But all the rest of you folks, if you want to create some jobs over here, we will make you an American citizen.

One of the things I really find offensive about this is Canada, which has a similar provision and is having to revamp the whole thing right now. They have had this experience, and you are not going to get people in South Dakota.

How many of these employers who have a million bucks are going to go to South Dakota? They may go to Chicago. They may go to New York or Washington or Houston or Los Angeles. But they are not going to the lower Mississippi River Delta. They are not going to West Virginia's Appalachia. The Economic Minister of Canada says, "We are going to revamp the program. If they are going to come into this country, they are going to have to create jobs where we need them." At least that provision would meet with some approval or some justification. But now we are not helping people who really need it.

The argument is going to be made here by the managers that I am not offended by the fact that we are going to let in 27,000 high-techology, skilled people. And there are two preferences. But they are all talented people. And somebody says, if a rich man in Saudi Arabia sends his child to college in Oxford and he gets a Ph.D., he can get in under this and why are you not offended by that?

I am. But there again, that is a lot more palatable when you look at the test results and you find we are dead last in math, dead last in global studies. Only 50 percent of the 17-year-olds in America can work a two-step mathematical equation, and even the best students in this country do not match the Japanese students. So I guess I can sort of accept that because we are draining the brains of another country and not ours.

The other point that you might make is other countries are helping educate those people and we are taking the benefits of what the other country has expended on their students and bringing them here. But I can tell you one thing. If I had been chairman of this committee, I would not have put those preferences in there.

Section 104 says that the Attorney General can seek to deport these people but he must prove that this investor sought to evade the intent of the law.

Now folks, you are listening to a country trial lawyer right now, and I can tell you that when you start trying to prove that kind of intent, it is not easy. As I mentioned a moment ago, what if the investor says he tried but went bankrupt; he put his best effort forward. He is not a drug dealer. Maybe he was an honest entrepreneur. Are you going to deport him? Deportation, as I have already pointed out, is a very difficult thing.

Now, Mr. President, as I told the managers when I started talking, I am not going to belabor this. I have made about all the points I can make. We will listen to the floor managers rebut those arguments and then I would like to have a little rebuttal time. Meanwhile, if they want to enter into a time agreement, I will do that. But I can tell you, as you already know, I feel strongly about this. I think it flies right into the face of everything in which I believe. If families are going to be reunited, children with their parents, sisters with their brothers, that is all fine; that is humanitarian, and I believe in that. But for us to say if you have a million dollars, you can become an American citizen, it offends me deeply. I hope it does you.

I yield the floor, Mr. President.

Mr. KENNEDY. Could we get an agreement from the Senator now on time?

Mr. BUMPERS. Does the Senator have a suggestion?

Mr. KENNEDY. I do not know what——

Mr. BUMPERS. How much time does the Senator need on that side?

Mr. KENNEDY. I suppose we can take 30 minutes.

Mr. BUMPERS. How much?

Mr. KENNEDY. Thirty minutes.

Mr. BUMPERS. On the Senator's side?

Mr. KENNEDY. Yes.

Mr. BUMPERS. I will take 10 in addition.

Mr. KENNEDY. Could we ask, then, Mr. President, we have a time limitation of 40 minutes, 10 minutes to be controlled by the Senator from Arkansas and 30 minutes by the Senator from Wyoming and myself.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. KENNEDY. I will yield 5 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I thank the distinguished chairman for yielding.

Mr. President, I have listened to most of the speech of our dear colleague from Arkansas. He is articulate and persuasive as always. In this case, Mr. President, I believe he is also wrong. Our dear colleague from Arkansas talks about being outraged at this fat cat amendment. The amendment basically says if someone comes to this country, brings a million dollars, invests it, creates jobs, growth, and opportunity for Americans, that somehow is a privilege we ought not to grant.

Mr. President, let me first say that I do not understand why our colleague is outraged that we have an entrepreneur provision but he is not outraged that we have an education provision. If one is going to be outraged at special privilege, why should we give special privilege to someone who is distinguished in education? If a father has two sons and the first son, being the slower of the two, he sends into academics and the son gets his Ph.D. and distinguishes himself intellectually, under this bill the Ph.D gets preference and comes into America. Apparently, our colleague from Arkansas applauds that that is a wonderful situation. His second son, being the brighter of the two, he puts into business. If the second son is able to produce goods and services, if he is an effective entrepreneur, if he accumulates wealth, if he wishes to come to this great bastion of freedom to put his talents to work, somehow that is wrong. Somehow that is an outrage. I do not understand that, Mr. President.

Under this bill, we give preference to people who are young. Why is it an outrage to give preference to people who have accumulated wealth but not an outrage to give preference to people who are young? In fact, once in their life everyone is young, whether they have merits or they do not, whether they are drug dealers or whether they are not. We give preference in this bill to people who have skills and who have experience in various occupations. Mr. President, I cannot understand why that is more preferential than giving preference to people who put to work the ancient art of conducting business.

Mr. President, Calvin Coolidge, who is not quoted very often, said the business of America is business. When we are limiting the number of people who want to come to America legally to only 600,000 people a year and we are not limiting the number of people who are coming here illegally, I, for one, would be willing to raise that number. I, for one, want us to go more on merit and talent and ability, whether that ability is in physics or whether that ability is in the practice of business to create jobs, growth, and opportunity. I want, quite frankly, to have more people with both of those kinds of abilities.

It seems to me that the provision of this bill is a good provision. It is a provision that says that if people have been successful in business—if they can bring that talent and the fruits of that talent, a million dollars to this country, and if they meet the criteria of job creation and ability to sustain that business—they then have a right to come here and to practice that business.

Mr. President, we have a limit in this bill of 600,000 people a year that can come to America. My guess is there are 600 million people who would like to come. This bill in and of its very nature requires that we make choices. And as a result, we have set up a list of criteria, education, youth, experience, success, and entrepreneurial skills. Mr. President, that is the essence of this whole movement in immigration. I do not see how our colleague from Arkansas can support these other criteria and reject the criterion of economic success, entrepreneurial ability, and the fruits of that ability.

Mr. President, I hope we reject this amendment. I do not doubt the sincerity of the positon of the Senator from Arkansas at all, but I think his position is wrongheaded. I think it is not in the American interest. We need to bring people to this country who have skills and talents, and can help us create jobs, growth, and opportunity. This provision of the bill does it. This amendment would strike that.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself 7 or 8 minutes.

Mr. President, in listening to the arguments of my good friend from Arkansas, I did not recognize our bill. One of the favorite techniques used occasionally, and we heard it used again this afternoon, is to misdescribe the bill, and then differ with it and object to it. That we have seen.

The idea that is suggested by the Senator from Arkansas' argument that with the passage of this bill we are somehow aiding and assisting drug users, those involved in drug trafficking, facilitating their coming to the United States, is unworthy of a response. It is unworthy of a response. The Senator from Arkansas understands that, or certainly should understand. And to try to suggest otherwise either demonstrates he has not read the bill or does not know about the enforcement procedures or the procedures which are required under the immigration bill, No. 1.

Mr. President, this bill is a combination of different elements. The prime elements are for family reunification. The great majority, the overwhelming numbers, are for family reunification. There is a second provision in the bill that recognizes that we have shortages in certain skills.

And there is a belief based upon hours of hearings that if you are able to get individuals with certain types of skills, that is going to mean more employment for Americans, not less. We have heard debate and discussion about whether this bill is really for Americans. We believe, and as we have found during the course of our testimony, if you bring in certain kinds of skills that are not here, we find there is a good probability that you are going to stimulate more Americans working.

We were concerned, as we shaped these immigration provisions, that we would not displace other Americans. An argument could be made, an extension of the argument of the Senator from Arkansas, why do we not bring in carpenters? Why do we not just bring in further plumbers? Why not really be democratic? Just bring in hard-working people, men and women who know how to use their hands. That is the way our grandfathers came, and I yield to no one in that observation. But we are dealing with a different time. You bring those individuals in here and you are displacing American workers. Is that our objective? No. In the shaping of American immigration policy we do not want to disadvantage our fellow citizens, men and women who have been in the Armed Forces, and probably fought for our country. All of us can get as demagogic as anyone else on this issue—bled on our battlefields.

So what again is the shape of our proposal? Is one primarily for the reunification of families? There are legitimate areas of debate on this issue. We have heard them. Whether you give greater preferences to small children or whether you include the larger nuclear families, I think good strong arguments could be made either way, and I respect individuals who hold differing views on it. But we have contin-

ued the basic provision in here that provides for family reunification, and we also include provisions to bring in those with certain skills, where there are needs, in order to try to strengthen the American economy.

The provision that the Senator from Arkansas is talking about is three-quarters of 1 percent of the amount. We say that is important. Sure, it is. At other times when we debated this issue in the early eighties, when we found out that an investor visa would displace a family member, I supported the Senator from Arkansas. I supported him. But we have expanded the total numbers, by nearly 22 percent, now up to 600,000. There is a limited number of that, 4,800, for investors. We do not say if you just have the million dollars you come in here, although that I think would be a fair assumption from listening to the Senator from Arkansas. We say you have to create 10 jobs, 10 new jobs. The Senator from Arkansas finds trouble about that because they are only going to provide $3.35 an hour. As one who has been the principal sponsor of the increase in the minimum wage, I would like to see that be a good deal more. We cannot legislate that the new jobs are going to be at a certain level. But we are talking about new jobs. Read the language in the bill creating new jobs.

There was a time not long ago, certainly in my State of Massachusetts, of the top 1,500 employment areas of the country we had three of them. Unemployment was rife in this country. We are doing better now. It is most difficult in many of the rural areas of this country. My part of the country is doing better. It was not long ago that we were concerned about unemployment, and the idea that you are going to provide some new jobs had some appeal. Only three-quarters of 1 percent of the total amount is for this investor program. And if it is unfair and unjust, and it is even a fraction of that 1 percent, it ought to be out. The real question is can you make a plausible argument; whether you can make a plausible argument for the creation of those new jobs through investors.

The Senator from Arkansas talks about the $9 billion of foreign investment in Hawaii. His argument is not with our bill. It is with the other provisions of the treaty investor provisions which permit foreign investment in this country. If he whats to keep those individuals out of Los Angeles and out of Hawaii, fight that battle, but that is not our battle. And then I want to find out about what these other countries are going to do to retaliate. Are you going to keep them out? They are going to keep us out. That is nice. That is a nice thing to do.

We find an expansion in terms of global economy. We are all concerned about restrictive trade practices, and all of us can talk about that. I am certainly glad to do it. Now the Japanese exclude American products and American investors. I am glad to talk about that all afternoon, but that is not this bill. And if he is troubled by the fact that the foreign investors own half of Los Angeles, that is not this bill. If he is troubled by drug dealers coming into the United States, that is not this bill.

So, Mr. President, we have tried to fashion and shape a compromise bill. As we have stated here at other times, I would have a different bill than the one here. The Senator from Wyoming would have a different bill. These particular provisions have been added as a part of a compromise. The Senator from Wyoming knows the questions I had in going over these particular proposals, but I support these proposals now. I think they are better proposals because of the arguments that the Senator from Arkansas made. We are grateful to him for bringing these matters up in the past. I say that quite sincerely. But I think as we are looking at where we are in terms of the legislation, what we have attempted to do, the limited nature of this particular proposal, I do think it is justifiable.

I have a difficulty, as has been pointed out by the Senator from Texas, to say that, well, it is all right if a person is an educated person. Somehow, as I think the Senator from Texas pointed out correctly, the ire of the Senator from Arkansas is all up about that investor, but not over the person that may have been spending that money on somebody else, that has been spending all that money on that individual's education.

When we talk about that poor individual who is sitting back there, as I think the reference was, on a Greek bench—the reference that was used a year or two ago—then he sees this person drive by in a Rolls Royce and gets on that investment plain, what about that educated individual? What are we going to say? Clearly, the decision that has been made in the limited areas of where we are going to deal with this in the third and sixth preferences, and also in the other independent categories, we do give the areas which we have found as a result of the study. The labor condition—in the year 2000 there are going to be areas of important need, skills that are going to be necessary in terms of our economy. We give them some preference.

I think that that is a balance, Mr. President, between family, much more limited balance, in terms of high skills that can be important in terms of our economy, and then the three-quarters of 1 percent left over in terms of the investors. I think different Members would juggle those in different ways, but I think that the basic package on that is completely justifiable and supportable. I will yield.

The PRESIDING OFFICER. The Senator from Massachusetts has 14 minutes remaining.

Mr. KENNEDY. I yield to the Senator from Illinois.

Mr. SIMON. Mr. President, and my colleagues, there is no more effective orator in this body than the Senator from Arkansas. I have great respect for him—so much respect, that at one point I publicly came out for DALE BUMPERS for President of the United States. But even someone who would make a great President can make an error now and then, and I think that my friend DALE BUMPERS is wrong on this particular amendment, when he talks about foreign investment.

As Senator KENNEDY has said, 90 percent of what he is talking about has nothing to do with this amendment, but in fact it goes just the opposite. When you talk about the foreign ownership of Los Angeles, one of the ways that you can do something about it is to get people who buy and create jobs to move into this country. That is what we are talking about.

Let me add, just so we have another sense of perspective on this, that this country admits more legal immigrants into our country than all the rest of the world combined. And we are talking about taking less than 1 percent of those and saying, "You can come in, if you create jobs." That is certainly not against the ideals of this country. I think it is kind of a minimal thing that we are doing, to say how can you build a better country.

If I quote the Senator from Arkansas correctly, and he can correct me. I have jotted this down—and he can talk faster than I can write here, I have to tell you—but he said, "Anybody with a million bucks and a good immigration lawyer can stay down." Well, if that is the case—and I am not sure that is the case—why not insist that you put that million dollars into creating jobs?

Finally, he makes a point that has some validity. He said that nobody is going to be investing in South Dakota; nobody is going to be investing in Arkansas; nobody is going to be investing in the southern part of Illinois. If he wants to have an amendment saying that that investment has to go into areas of high unemployment, I cannot speak, obviously, for Senator SIMPSON or Senator KENNEDY, but I will support such an amendment. South Dakota has four or five of the lowest-income counties in this Nation.

I would like to see that happen. I would like to see one of those counties where the Pine Ridge Indians live—maybe we can get some priorities there. I would love to see some investment in southern Illinois, where we have high unemployment. But my

belief is that the fundamental concept here is sound.

Let us set aside a little less than 1 percent of these jobs for people who are going to come in and who are going to create at least 10 jobs, invest at least a million dollars. Canada does it; Australia does it. Canada has a quarter of a million dollar requirement on these kinds of jobs. Other countries do it. I think it makes sense.

I think we have crafted a balanced bill here. Not everything in it is exactly what I would like or what anyone else would like, but I think there is nothing wrong with saying we are going to set aside a few jobs for people who are going to create jobs in this country. My guess is that those who invest in those 10 jobs, generally, are going to be people where those 10 jobs will grow to 20, 30, and 40 and beyond.

So I am going to support the effort to defeat the amendment by the Senator from Arkansas, and I hope the majority of this body moves in that direction.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts has 9 minutes remaining. The Senator from Arkansas has 10 minutes remaining.

Who yields time?

The Chair informs all Senators, if no one yields time, the Chair deducts equally from both sides.

Mr. SIMPSON. The Senator from Arkansas is crouched over there behind his podium and ready to let me go on for about 8½ minutes and just drop the rocks right off the top of the roof.

Now, not allowing that to occur, I yield myself 5 minutes of the time, and I will try to dust off some of those remarkable comments of my friend.

I have learned a lot about legislating from DALE BUMPERS—not about philosophy, but about legislating. I have two splendid friends in TED KENNEDY and DALE BUMPERS, who I have enjoyed richly in my 10 years here. They are people of great and good humor, and I enjoy their camaraderie and friendship. I like their spirit and zeal, because I get into that, too. But this is old wash; it is, indeed. I felt the same as my friend from Massachusetts and my friend from Illinois. I did not know what we were talking about when I heard my friend from Arkansas speaking about this amendment.

This is an employment creation preference. We have done it before. Other countries do it. It is not for the rich. It is not for the elite. It is 4,800 visas for those who invest a million bucks and create 10 new jobs for U.S. workers. A million bucks. You invest your million bucks, and if you do not maintain the employment of the U.S. workers, then, under the law, on the second anniversary you can lose your conditional visa.

If they do not do what they are supposed to do, they get their status jerked. That is what happens to them. We have been as cautious and careful as we could be in that one.

Let me tell you about Father Ted Hesburgh. That is someone I know some things about. What a man. In his last year of his tour of duty as president of Notre Dame when they said you can pick who you would like to receive an honorary degree, and he picked me. Boy, do not think that was not the greatest thrill of my life, to receive an honorary doctor of laws from the University of Notre Dame.

He was the only one opposed to the investor category, nobody else. The vote was 15 to 1 and he did not support it. DALE BUMPERS has given you the quote, but the rest of us, 15 of the 16 members of the Select Commission wanted it, and it went in.

I wanted to share that with you.

We are dealing with a very small figure here, less than 1 percent of the national level. I just want to completely reject the argument that the people are going to buy their way past the Statue of Liberty. That one just will not sell.

Let us be honest and candid. I have often said everyone is entitled to his own opinions, but one is entitled to his own facts.

Many of the conditions of admission under present law are economic in nature. We give special preference to aliens with advanced academic degrees, to aliens with exceptional ability in the sciences and the arts.

How do you get an education like that? You probably pay for it. They either pay for it themselves or they get grants to do it. Somebody spent a lot of money to get to a position in life where they could use those portions of our immigration law to get to the United States. They had to use their resources, or that of others, and they might have even been rich. I do not know, but I do know that that is the way it is.

In fact, these people with their Ph.D.'s or their years of research in particle physics or years of experience with one of the great symphonies or ballet companies are bringing something that is as rare and as difficult to obtain in the world as is the ability and the resources to invest 1 million bucks in an employment producing enterprise the United States.

That is what we are doing. These people outmuscle other people to get here. These are people who, I guess you could say, are elite or people of status. What is new? Nothing. So we keep it down to a small manageable level, 4,800 people.

We also deny visas to people who would become a public charge in America. How about that one? Somebody who gets here who is helpless—are we to correct that? I do not know. It seems like a pretty good rule.

But to say we are bought out lock, stock, and barrel is just an absolute absurdity. These people become part of us. The become part of our country, and they invest their resources here, and they invest in American workers.

We have been here before. What we are doing here is intending to create new employment for U.S. workers, something in our national interest, something to infuse new capital into our economy and provide immigrant visas to people, not to provide the rich with some advantage. That is an absurd argument. It will not sell. It should not sell. It is not worthy of the debate.

I urge my colleagues to reject it.

The PRESIDING OFFICER. The Senator from Massachusetts has 3 minutes remaining.

The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I have the highest regard for the Senator from Massachusetts, as I have, of course, for my very distinguished colleague and good friend, Senator SIMPSON, and PAUL SIMON, who showed just how brilliant he was when he endorsed me for President. I have the utmost repsect for them.

The only thing I can think of is, when they got up there in that committee room, there was something in the water. They got to talking to each other and they just lost their perspective, not intentionally. They are all fine, fine gentlemen and great Senators, but they just happened to drink some water up there that was flawed, and that is the reason we have this provision in the bill.

Senator KENNEDY alluded to the point, the fact, that I was talking about how much of Los Angeles, Houston, and Washington, DC, the Japanese own. I am not quarreling with that. I am not a Japanese basher. I am glad they show up at the Treasury window every Tuesday morning to buy our bonds. They are financing 30 percent of the debt. If some Tuesday morning they do not show up, this country is in a heap of trouble. That was the point.

The point I was trying to make is we do not need any more incentives for people to invest in this country. Good Lord, they are buying it up as fast as they know how.

Then you come along with this little old provision: 4,800 slots for people who are willing to put up $1 million. He said drug dealers do not have anything to do with this. I divinely hope he is right.

But I can tell you one thing. There is not anything to keep a drug dealer out. If you do not know it, if he just happens to be making a half-billion dollars a year and wants to come to this country, and nobody knows it, the

first thing you know he will be setting up shop in the nearest fast-food joint.

But here is what the committee itself said. Here is what the committee report says:

This section is put in here to infuse new capital into the country.

We do not need to infuse any more capital into this country. As I say, it is being auctioned off now, and the Senator from Texas says, "How about the Ph.D. whose rich father educated him?"

I said, and I will say it again, if I had been drafting the bill, I would not have put that in there either. But I will say this: If a Ph.D. wants to come to this country, he is at least already equipped to make a contribution, and in this category, you may be getting a bank robber instead of a drug dealer. You may be getting someone who is on the lam from the law. When you get a Ph.D., he has already got it here in his head where we know he can make a contribution. There is a big, big difference.

The Senator from Texas said that Calvin Coolidge was not quoted often, and the quote he used shows why—"The business of America is business."

We all know that business is important to the creation of jobs. But I can tell you one thing, that the business of America is just not business. It is jobs. It is housing. It is education. It is health care. It is compassion for those who have not been as well-born as others. It is concern. And it is liberty and justice. That is what America stands for. Those are things that people here understand and that is the reason they love it.

I am concerned about the country. I say a New Yorker cartoon the other day. The television commentator is talking and these poor people are there with a few scraps of food on the table. And the commentator is saying, "This may not go down well with the meek, but in the future it will be the arrogant who will inherit the Earth."

The Senator from Massachusetts suggested I misdescribed the bill. He said, "Why do we not bring in plumbers and carpenters?"

I would rather have a plumber or a carpenter who is coming here for the right reasons than a Ph.D. or a guy with a million bucks coming for the wrong reasons.

He suggested that only three-quarters of 1 percent of the people involved here are in this particular category. Three-quarters of 1 percent—who can argue with that? That is like saying only 1 percent of the people we executed in this country last year were innocent. That is too many, and three-quarters of 1 percent is too many.

I am not trying to stop investment in this country. I am trying to stop what I see as an outrageous opportunity for fraud and evasion of the law.

Mr. President, I wanted to save some time for my very distinguished friend, Senator KERREY from Nebraska, who wished to speak on this amendment. But I do not want to delay this, and I did not want to use up all of my time. But if the managers of the bill want to go ahead and yield back time, I suppose we can go ahead and arrange that unless someone wishes to speak further on it.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Arkansas has 4 minutes. The Senator from Massachusetts has 3 minutes.

Mr. BUMPERS. I reserve the remainder of my time.

Mr. KENNEDY. Mr. President, I will take just 2 minutes.

I am even more confused with the Senator's arguments. Somehow Ph.D.'s cannot be drug dealers, is that right, because if you say you support the various provisions in terms of the Ph.D.'s, you have the same requirements under the visa provisions for the Ph.D.'d as you have for the investors.

So evidently anyone who is a Ph.D. is all right, but those investors, those investors who are going to create 10 jobs, are all going to be drug dealers.

I hear another argument: "I would rather have carpenters and plumbers in here for the right reasons than Ph.D.'s for the wrong reasons."

Now, tell me what that means?

Basically, what we are saying is we do not want the plumbers and the carpenters in here for any reason if they are going to displace American workers. That is the reason. That is the logic. You may have a different understanding of it, but that is the logic. We do not want to displace them. If you got skills, we need them, and it is going to mean more employment for Americans, we want them.

And I listened, finally, to the argument: "The test is to be the contribution to America." Fair enough. Fair enough. We believe that the greatest provisions of this legislation are contributions to Americans because they are family reunifications.

The second greatest is the 130,000 special skills that are going to mean further employment for our country.

And then the three-tenths of 1 percent that say you are gong to have to actually provide 10 new jobs.

Now, I am aware of the expansion of the job markets, and can give the figures as well as the Senator from Arkansas. But having represented a State for the better half of my years here where the unemployment was significant in terms of my State, I feel that that three-tenths of 1 percent for new jobs is not something that forms the great kind of injustice that the Senator from Arkansas has placed on it.

I do believe, Mr. President, that the arguments that were made by the Senator from Arkansas in the early 1980's that said, "All right, for every individual that we are going to take in this area, we are going to knock back a family members," I think that is not right. That argument should be made and was made and I supported it. And because of that argument, we ensured that that was not going to be the case, just an add-on; just an add-on.

And if that were the case in this, I would not support that provision for many of the reasons that were stated here by the Senator from Arkansas. Dramatically different circumstances, Mr. President.

I hope that the positions which have been expressed by the Senator from Wyoming and the Senator from Illinois and myself would be sustained.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Arkansas has 3 minutes.

Mr. BUMPERS. Mr. President, I want to state again as emphatically as I know how, if I had been drafting the bill there would be no Ph.D.'s. There would be people who were coming here because they had family here. There would be people coming here because they were repressed in their home country and wanted to be free.

The reason democracy is on the move all over the world is because the strongest yearning of man is to be free. And this bill is not just about who can make a contribution to this country. The primary motive of this bill is for compassionate reasons, because we believe in helping the oppressed, because we believe families ought not to be severed and separated.

You take the Senator from Maryland, whose family came here from Greece. Could they have come if they had had to put up a million bucks? Why, of course, they could not.

And who do you think is going to take pride in saying, "I'm an American because my old man had a million bucks?" They came because they wanted to be free, and that is the reason people ought to come today.

We are putting the crassest commercial value on American citizenship I have ever seen. It is bizarre. It is outrageous. It goes against this Senator's love of country and feelings of patriotism.

So, Mr. President, I will close where I started. There ought not to be a price put on American citizenship. You cannot put a price on it—$2 million, $10 million, whatever you want to put on it. It degrades American citizens when you say some came because they had a million, at least 4800 of them.

I find it offensive. And I can tell you that all of America would find it offensive if they listened to this debate, all

this convoluted reasoning about Ph.D.'s and who can make a contribution and who can create jobs. And the rationale for this is new infusion of capital, but we have more foreign capital in this country than we can handle right now. The rationale is wrong. It is in error.

I ask my colleagues—I remember Atticus Finch in "To Kill a Mockingbird" when he asked that jury to acquit a black man who was falsely accused of raping a white woman. He said, "For God's sake, do your duty."

I am asking the Members of the United States Senate: For God's sake, do your duty and vote for this amendment.

Mr. President, I yield back such time as I have remaining.

Mr. KENNEDY. Mr. President, I wonder if we might each have 2 additional minutes. I want to make a comment about a representation made in the final argument. I ask unanimous consent that we each have 2 additional minutes.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. BUMPERS. Mr. President, before I agree to that, there is not going to be tabling motion, is there?

Mr. KENNEDY. No.

Mr. BUMPERS. OK.

Mr. KENNEDY. Mr. President, one point I want to make here for the record and that is on the issues of refugees and asylum. I yield to no one in my commitment in that area. The Senator from Arkansas knows that at the present time we have the most liberal refugee and asylum law, drafted by our committee of 1980. So those persecuted individuals can come in here, I say to the Senator. That is not this bill.

The only condition on that is the limitations that are established, worked out with the administration and the Congress. So that is a different issue. If the Senator wants to debate refugee policy and asylum policy, I will be glad to debate that. But that is not this issue. It is again one of the mixtures that we have heard over the course of this afternoon.

Mr. SARBANES. Will the Senator yield for a question?

Mr. KENNEDY. I do not know how much time I have remaining.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. KENNEDY. I yield for a very brief question so I may have time to answer.

Mr. SARBANES. In our history, have we ever done this before?

Mr. KENNEDY. Yes. It is on the books at the present time.

Mr. SARBANES. Well, when was that done?

Mr. KENNEDY. The 1965 act.

Mr. SARBANES. We allowed people to put up money and get a visa and come into America?

Mr. KENNEDY. That is correct.

Mr. SARBANES. How much money?

Mr. KENNEDY. Forty-five thousand dollars. But it has never been utilized because of the way that the numbers have spilled over from one category to another.

Mr. SARBANES. Forty-five thousand dollars. Now you are taking it to a million dollars and that reflects inflation, I take it.

Mr. KENNEDY. And 10 jobs.

Mr. SARBANES. I agree with the Senator from Arkansas, Mr. President. I think it is a very bad principle. It directly contradicts what immigration has stood for in this country.

Mr. BUMPERS. Mr. President, let me yield an additional minute to the Senator from Maryland. He is on a roll and I want him to continue.

Mr. KENNEDY. Will the Senator from Maryland yield for a question, then?

Mr. SARBANES. Sure.

Mr. KENNEDY. Do you object to the provisions that give the Ph.D.'s and special skills?

Mr. SARBANES. I have trouble with those provisions.

Mr. KENNEDY. But do you object to those?

Mr. SARBANES. I am prepared to go that far, but I am not prepared to have someone sit down and write out a check for a million dollars and get a visa to come into the country.

Mr. KENNEDY. But the Senator does not object to that individual spending that money at home and gaining that education and jumping over others who are waiting in line. Evidently, the Senator does not object to that. Can you follow that logic?

Mr. SARBANES. In a lot of countries, they get that opportunity for education as a result of it being provided, in effect, as a public right, something we ought to do in this country. Most of these people who come in on these Ph.D.'s have earned them on the basis of the opportunities made available in their own country.

But as I said to the Senator, I have some difficulty with that, but I am prepared to accept that. But to move it to the point where you can sit down and count out a million dollars—what do you do? Do you go in and see the consular officer and put a million dollars in front of him and he gives you a visa?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BUMPERS. Mr. President, with my time remaining, let me just answer the question of the Senator from Maryland which was not answered: Have we ever done this before? The answer to that is no. Congress has never done it.

What the Senator from Massachusetts was telling you about is an INS regulation and not one soul has ever come into the country on it. But Congress has never, never approved this kind of thing.

Mr. President, I yield back the remainder of my time.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. There being no further debate, the question is on agreeing to the amendment of the Senator from Arkansas. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is necessarily absent.

The result was announced—yeas 43, nays 56, as follows:

[Rollcall Vote No. 108 Leg.]

YEAS—43

Adams	Fowler	Mikulski
Biden	Glenn	Mitchell
Bingaman	Gore	Nunn
Boren	Harkin	Pryor
Bradley	Hollings	Reid
Bryan	Humphrey	Riegle
Bumpers	Inouye	Robb
Burdick	Jeffords	Rockefeller
Byrd	Johnston	Rudman
Conrad	Kerrey	Sanford
Cranston	Kerry	Sarbanes
Daschle	Lautenberg	Sasser
DeConcini	Leahy	Specter
Exon	Levin	
Ford	Metzenbaum	

NAYS—56

Armstrong	Gorton	McConnell
Baucus	Graham	Moynihan
Bentsen	Gramm	Murkowski
Bond	Grassley	Nickles
Boschwitz	Hatch	Packwood
Breaux	Hatfield	Pell
Burns	Heflin	Pressler
Chafee	Heinz	Roth
Coats	Helms	Shelby
Cochran	Kassebaum	Simon
Cohen	Kasten	Simpson
D'Amato	Kennedy	Stevens
Danforth	Kohl	Symms
Dixon	Lieberman	Thurmond
Dodd	Lott	Wallop
Dole	Lugar	Warner
Domenici	Mack	Wilson
Durenberger	McCain	Wirth
Garn	McClure	

NOT VOTING—1

Matsunaga

So the amendment (No. 246) was rejected.

Mr. KENNEDY. I move to reconsider the vote by which the amendment was rejected.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SANFORD. Mr. President, let me take this opportunity at the outset to thank my distinguished colleagues from Massachusetts, Wyoming, and Illinois for their diligence and patience

in showing us all the way through what is surely one of the more complex and frustrating issues this body faces. Immigration is not always a politically attractive issues for those who take a leadership position, and I applaud the fine sense of justice with which the subcommittee has crafted the bill we have before us today.

IMPORTANCE OF LEGAL IMMIGRATION REFORM

As you know, there has been no major reform of our system of legal immigration into this country since 1965. We do have a rough blueprint, however, and that is the recommendations of the Select Commission on Immigration and Refugee Policy. The recommendations of the Commission have enjoyed a broad measure of bipartisan support. Members from both sides of the aisle, as well as the President, support legal immigration reform. How sad it would be to let another year slip by without addressing the inequities and backlogs in the current system. The human and economic cost of needless delays must end. This bill generously expands legal immigration into this country by 21 percent. I am glad to be joined in my support for this new level of immigration by my fellow Senator from North Carolina. We both realize that this higher level of immigration will benefit North Carolina and the country as a whole. Let us take action today to reaffirm our country's proud and generous immigrant tradition.

CHINESE STUDENTS (INCLUDES PERSONAL INFO)

North Carolina has been proud for years to host large numbers of students and professors from the People's Republic of China. As an educator, I have had a deep and abiding interest in developing the cultural and educational ties that have developed between our two nations. I visited China personally as president of Duke University, and set up some of the first educational exchanges our country had with China. At the time China was emerging from the horrors of the cultural revolution. I believe we have a responsibility to the over 400 students and academics we host today in North Carolina—a responsibility to guarantee that they will not be forcibly sent back to a land that quakes again under totalitarian crackdown. I strongly support the amendment adopted yesterday by this body to waive the 2-year home residency requirement, and urge that this waiver quickly be made into law.

THE NATIONAL LEVEL: A SOVEREIGN NATION'S RESPONSIBILITY TO CONTROL ITS BORDERS

A sovereign nation needs to control its borders. A wise nation, however generous, needs to make thoughtful decisions about immigration across its borders. A prudent nation prepares for immigration by making plans for the housing, employment, and other social services that newly arrived immigrants need. For the first time this bill provides a national ceiling to help us plan responsibly for increased immigration flows. I support the principle behind the national ceiling in this bill.

FLEXIBILITY: 3-YEAR REVIEW

The bill before us today is flexible. As my distinguished colleague from Massachusetts noted, we have reformed immigration legislation significantly only four times since the birth of our Nation. As a result we have often found that an immigration policy that seemed reasonable one year had become out of date 15 years later. For the first time, this bill provides for a systematic review of our Nation's immigration policy. The President will compile a report on the effect of immigration on the country every year. Every 3 years Congress will review our efforts thus far. And to guarantee that this revisitation will not tie up the legislative calendar, these 3-year reviews will proceed under expedited procedures between the President and the Congress.

FAMILY REUNIFICATION: FAMILY PREFERENCE IMMIGRATION

The Kennedy-Simpson bill expands and strengthens our Nation's historic commitment to family reunification. At current levels of immediate family immigration, the bill provides for an expansion of 44,000 visas for family preference immigration. This expansion includes a more than doubling of the second preference for the immediate family of permanent residents. Here the bill alleviates current backlogs where they are longest. This bill helps reunite families of recent immigrants where the need is greatest—the reunion of the nuclear family. I am proud of the achievements of this legislation. And with the flexibility for revisiting the national and family preference immigration levels, there can be no question that this bill reinforces our Nation's traditional commitment to family reunification.

Even so, to show a further commitment to family reunification, I am willing to provide a guarantee against family preference immigration being squeezed out by an increase in immediate family immigration sometime in the distant future. For this reason I support efforts to provide a floor for family preference immigration.

THE POINT SYSTEM

This bill reconfirms the United States as the land of opportunity. The point system in the independent immigrant category opens the door for immigrants whose qualifications suggest they will contribute tremendously to the American economy, but who do not have family or professional contacts here. The point system reaffirms our status as the land of opportunity—a land that cares not about the color of a man or woman's skin or the country he comes from, but a country where talent and hard work are rewarded with the highest honor our country can bestow—American citizenship.

EMPLOYER-SPONSORED IMMIGRATION: THE THIRD AND SIXTH PREFERENCES—THE SPECTER-DECONCINI AMENDMENT: (NORTH CAROLINA PARTICULARS RE: RESEARCH TRIANGLE PARK)

While I support this bill, I strongly believe it does not go far enough to increase employer-sponsored immigration. While we propose to expand legal immigration by 21 percent, that is to increase legal immigration by 110,000 visas, I find it hard to believe that we are increasing visas for employer-sponsored immigration by only 1,200 visas. How can it be that less than 1 percent of the increase in immigrant visas will go to employer-sponsored immigration under the third and sixth preferences?

The third preference is vitally important to the universities. Consider the Research Triangle Park in North Carolina. These universities and businesses working together have created a hotbed of technological innovation. They are on the cutting edge of international technological development. For these universities and businesses, the third preference is their lifeline to the international pool of expertise in these high-technology areas. Schools like Duke University rely on the third preference to bring in research scholars, faculty, and technical and nursing personnel in those particular areas where there just aren't Americans available to fill the jobs. Schools that need a particular scholar or scientist now have to wait 14 months before they can get a visa. And this is after the U.S. Department of Labor has certified that "no qualified workers are available" for the position to be filled and that employment of the immigrant will not harm the wages and working conditions of other workers in the United States. Leading researchers and scientists overseas often turn instead to readily available offers in Canada or Australia.

Businesses use the sixth preference as well to bring into this country the marketing, business, and technical expertise that may be in short supply here in the United States. These companies now have to tell their potential topflight employees to wait 3 years while they wait in line for a visa. These delays and uncertainties make business planning increasingly difficult. This just will not do.

For our universities and businesses that need to hire topnotch personnel, the current backlogs in employer-sponsored immigration are an issue of global competitiveness. I am not advocating any special favors for universities and businesses, but I urge you not to tie their hands in the international marketplace. America is fighting to maintain her competitive edge. The Specter-DeConcini amendment to increase employer-sponsored immigra-

tion marks a modest but significant effort to maintain access for American universities and business into the competitive upper tiers of the international labor market.

Now I support the national level as a concept. But I have looked into this particular national level, and all the experts tell me that 600,000 is not a magic number. We need to come up with a national level of immigration and agree on it, but I see no reason that we have to view this figure of 600,000 as absolute.

Let me reinforce again, unless there is any doubt: The increase in visas for the third and sixth preferences will not compete with Americans looking for work in any way. Every single immigrant entering this country through the third or sixth preference is certified by the Department of Labor to be filling a position for which there are no American workers available.

LAUTENBERG, SANFORD, ET AL. AMENDMENT

Which brings me to my last point about the legal immigration bill. And this is a very important point. I am proud to cosponsor with Senator LAUTENBERG and others an amendment to this bill that will help American workers fill those positions that are in greatest shortage in American business and industry. If American companies are having a hard time finding trained personnel in particular areas, then we ought to be encouraging American workers to fill those gaps. Our amendment does just that.

Our amendment will direct the Department of Labor to do four things. First, the Department will publish an annual list of needed occupations. If we are supplying this information to potential immigrants, we should certainly be supplying it to Americans as well. Second, the Department of Labor will conduct research to better describe these job shortages. One thing I have discovered while investigating this bill is how little systematic information we actually have about job shortages in this country. We need to do better. Last, the Department of Labor will develop a plan to reduce shortages in these occupations and give States the incentives to train workers in such occupations. Here is the key. We need to gear our job retraining programs to produce American workers to fill the shortages business and industry are now experiencing. We will guarantee that an American worker has every opportunity to fill a job before an employer looks overseas.

The amendment sponsored by me, Senator LAUTENBERG, and others will guarantee that our immigration and labor policies will complement each other. A generous and sensitive immigration policy and a smart labor policy that makes the most of American skills—only in this way will we produce today a bill that will benefit the whole Nation, not just a particular few.

CONCLUSION

Let me state once again my strong support for this bill. It is high time we provided a legal immigration policy worthy of the country and people it serves. I encourage you to support the amendment sponsored by Senators SPECTER and DECONCINI to increase employer-sponsored immigration under the third and sixth preferences. I assure you, we need this amendment to keep our businesses and universities from losing ground in the competitive international labor market. And as a complement to this amendment, I urge you to support the amendment sponsored by me, Senator LAUTENBERG, and others to guarantee that American workers are encouraged to fill those labor shortages American Business and industry now face.

Mr. CONRAD. Mr. President, I rise today in opposition to S. 358. I commend my colleagues on the Judiciary Committee for their tireless efforts to reach a compromise on this legislation. I know Senators KENNEDY, SIMON, and SIMPSON have worked hard to craft a bill acceptable to all parties. I believe, as they do, that a legal immigration reform bill must be passed this year to complete the important work started in the Immigration Reform and Control Act of 1986.

This landmark legislation makes important changes in our legal immigration policies. I believe that the creation of separate family related and independent immigration visas is a step forward. Family immigration must continue to be the centerpiece of our legal immigration system. But I welcome the independent category of immigrants, who will add to our culture and community and continue to maintain the rich diversity of our Nation. Finally, family related immigration will not compete with business-oriented immigration under this legislation. I believe this is an important step.

However, Mr. President, I cannot cast my vote in favor of this legislation. I have grave reservations about the implications this revamping of legal immigration policy will have on individuals seeking U.S. citizenship.

In particular, Mr. President, I believe that the family related immigration provisions could have profoundly negative effects. Because of the overall limit on national immigration and the offset provision, individuals seeking to emigrate to the United States based on their family connections will effectively compete against each other.

As my colleagues are aware, the General Accounting Office assessment of the Kennedy-Simpson bill, prior to the compromise, indicated that family preference immigration would dramatically fall in the next decade. GAO projected that family preference immigration could fall to zero by 1998 under the proposals set forth in the bill. While I understand that the independent commission established in this bill will recommend changes every 3 years, the GAO analysis indicates that family preference immigration will begin to decline almost immediately.

Mr. President, I simply cannot support such a drop in family preference immigration. While I agree with the goals of the bill—to give high priority to immediate family immigration—we must ensure that family preference immigration under the current first, second, fourth, and fifth preference will continue to be a vital part of our legal immigration.

As my colleagues have noted, we are a Nation of immigrants. Immigrants from different areas of the world built this country—and they have continued to contribute to and revitalize this Nation throughout our history. Family unification has traditionally been a critical part of the flow of those seeking U.S. citizenship.

Mr. President, I am especially concerned about the fifth preference, which allows adult brothers and sisters to be reunited with U.S. citizens. During Judiciary Committee consideration of the immigration bill, I wrote to the distinguished Senators on the Immigration Subcommittee to indicate my strong support for retaining and improving access to visas available under the fifth preference. I especially appreciate the consideration of the chairman of the subcommittee, Senator KENNEDY, who patiently heard my concerns and heeded them when working out this compromise.

However, Mr. President, the GAO estimates on this issue concern me. We must guarantee that brothers and sisters, and all those eligible under the family preference system, have the ability to emigrate to this country. I fear that this bill, because of the offset and the overall limit on immigration, will severely restrict fifth preference visas and other family preference immigration.

Finally, my colleagues have all noted that we must consider what is best for America when crafting immigration policy. I agree. Nothing should have higher consideration. But, Mr. President, I submit that reductions in family immigration are not good for our country. Family immigration must continue to be the mainstay of this country's immigrant flow—our culture, our economy, and our national character have been shaped by the diverse and vital communities who make up the fabric of this country. It is because of this history that I must cast my vote against this bill.

29-059 O-90-34 (Pt. 10)

The PRESIDING OFFICER (Mr. DIXON). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, it is our intention now, if it is agreeable with the Members, to consider the Lautenberg amendment, which has been worked out, and then go to the Hatch amendment and hopefully we will be able to get a time limitation and then we are down to a very few amendments. We are making good progress. So that is where we are, and hopefully, after the Hatch amendment is disposed of, the leader would spell out what our plan is going to be.

The PRESIDING OFFICER. May I tell the Senator from Massachusetts, the pending business is the Gorton amendment.

Mr. KENNEDY. I ask that it be temporarily set aside.

The PRESIDING OFFICER. Unanimous consent is required to temporarily set aside the Gorton amendment. Without objection, it is so ordered. The Senator from New Jersey.

AMENDMENT NO. 247

(Purpose: To require the Secretary of Labor to identify labor shortages and develop a plan to reduce such shortages)

Mr. LAUTENBERG. Mr. President, I thank the manager of the bill. I ask for 5 or 6 minutes to present an amendment to the Immigration Act to provide American workers with the benefit of shortage information that can be helpful to them in terms of seeking career opportunities in preparing for labor shortages in advance of crisis periods.

So, Mr. President, on behalf of myself, Senators LEVIN, BRADLEY, KERRY of Massachusetts, LIEBERMAN, and SANFORD, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for himself, Mr. LEVIN, Mr. BRADLEY, Mr. KERRY, Mr. LIEBERMAN, and Mr. SANFORD, proposes an amendment numbered 247.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that reading of amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 148, after line 17, add the following new title:

TITLE III—LABOR SHORTAGE REDUCTION

SEC. 301. DEFINITIONS.

As used in this title:

(1) LABOR SHORTAGE.—The term "labor shortage" means a situation in which, in a particular occupation, the quantity of labor supplied is less than the quantity of labor demanded by employers.

(2) SECRETARY.—The term "Secretary" means the Secretary of Labor.

SEC. 302. IDENTIFICATION, PUBLICATION, AND REDUCTION OF LABOR SHORTAGES.

(a) IDENTIFICATION OF LABOR SHORTAGES.—

(1) METHODOLOGY.—Utilizing available data bases to the extent possible, the Secretary shall develop a methodology to estimate, on an annual basis, national labor shortages.

(2) LABOR SHORTAGE DESCRIPTION.—As part of the identification of national labor shortages under paragraph (1), the Secretary shall, to the extent feasible, develop information on—

(A) the intensity of each labor shortage;

(B) the supply and demand of workers in occupations affected by the shortage;

(C) industrial and geographic concentration of the shortage;

(D) wages for occupations affected by the shortage;

(E) entry requirements for occupations affected by the shortage; and

(F) job content for occupations affected by the shortage.

(b) PUBLICATION OF NATIONAL LABOR SHORTAGES.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, and each year thereafter, the Secretary shall publish the list of national labor shortages as determined under subsection (a).

(2) DISTRIBUTION OF PUBLICATION.—The Secretary shall provide the list referred to in paragraph (1) and related information to parties and agencies such as—

(A) students and job applicants;

(B) vocational educators;

(C) employers;

(D) labor unions;

(E) guidance counselors;

(F) administrators of programs established under the Job Training and Partnership Act (29 U.S.C. 1501 et seq.)

(G) job placement agencies; and

(H) appropriate Federal and State agencies.

(3) MEANS OF DISTRIBUTION.—In making the distribution referred to in paragraph (2), the Secretary shall use various means of distribution methods, including appropriate electronic means such as the Interstate Job Bank.

(c) DEVELOPMENT OF DATA BASES.—The Secretary shall (1) conduct research and, as appropriate, develop data bases to improve the accuracy of the methodology referred to in subsection (a); and

(2) make recommendations to identify labor shortages by region, State, and local areas.

(d) REPORT TO CONGRESS.—At the same time that the Secretary issues the annual publication under subsection (b), the Secretary shall prepare and submit to the appropriate committees of Congress a report that—

(1) describes the progress of the research and development conducted under subsection (c);

(2) describes actions taken by the Secretary during the previous 12 months to reduce labor shortages, and specifies a plan of action to be taken by the Secretary to ensure that federally funded employment, education, and training agencies reduce national labor shortages that have been identified under subsection (a); and

(3) includes recommendations by the Secretary for parties such as Congress, Federal agencies, States, employers, labor unions, job applicants, students, and career counselors to reduce such labor shortages by—

(A) promoting recruitment efforts of job placement agencies for occupations experiencing a labor shortage;

(B) encouraging career counseling and testing to guide potential employees into occupations experiencing a labor shortage;

(C) accelerating and enhancing education and training in occupations experiencing a labor shortage; and

(D) other appropriate actions.

SEC. 303. AUTHORIZATION OF APPROPRIATION.

There are authorized to be appropriated to carry out this title $2,500,000 for the first fiscal year beginning after the date of enactment of this title, and such sums as may be necessary to carry out this title in each subsequent fiscal year.

Mr. LAUTENBERG. Mr. President, the bill we have before us would make a number of quite significant changes in the immigration law. The members of the Immigration Subcommittee have worked hard on this bill. I recognize and commend their effort. One major part of the bill would open up immigration to foreigners who offer skills that are in short supply in our own economy.

But. Mr. President, what are we doing to help Americans get the skills and training to fill America's jobs?

The bill before us would require the Department of Labor to give foreigners detailed information about our labor market. My amendment would give to American workers the same benefit of information about labor shortages and employment opportunities.

It would give them the benefit of the same kind of information that the bill already provides to foreign workers who immigrate to the United States. And it would establish a framework for development of the labor shortage information required by S. 358.

Mr. President, before I proceed, I would like to recognize the support we have received from the chairman of the Committee on Labor and Human Resources and the floor manager of this bill.

While the Labor Committee is considering the Nation's labor shortage in the overall context of labor market operations and U.S. employment and training programs, Senator KENNEDY and his able staff provided invaluable advice to refine and facilitate this amendment. As always, I appreciate his cooperation and valuable assistance.

Mr. President, in cities and States across the country, America appears to be outgrowing its available human resources.

We have had 7 years of economic expansion, a slow-growing work force, and rapidly advancing technology. That has led experts to forecast a 23 million worker shortage during the 1990's.

According to one survey, almost two out of three businesses are having problems finding technical employees.

Mr. President, almost one-third of the Nation's metropolitan areas—77 areas—now have unemployment rates

at or below 4 percent. This is an increase of more than 20 times the number in that category in 1983.

More than 30 percent of all States have unemployment rates below 4 percent. At those rates, we see a lot of unmet demand for workers. We see labor shortages in Connecticut, Delaware, Hawaii, Indiana, Iowa, Kansas, Maryland, Massachusetts, Nebraska, New Jersey, North Carolina, South Dakota, Vermont, and Virginia.

Mr. President, the shortages are going to get worse, because our domestic supply of workers is growing more slowly.

Unless we take definitive action, these shortages will limit our economic expansion, increase inflation, and hurt the U.S. competitive position in the world economy.

Mr. President, how do we solve the labor shortage? The sponsors of S. 358 say let immigration help relieve the Nation's labor shortage. Under the bill, the Department of Labor would develop lists of occupations in which there is a short supply of workers to meet current or future demand.

Foreign workers in occupations which are experiencing or will likely experience a shortage of U.S. workers would receive a preference.

Undoubtedly, these lists are going to be of great interest to foreigners who wish to come to the United States. There will surely be foreigners who will actively seek assistance to obtain the education and training required to meet shortage occupation criteria.

But what of the American worker? What about the inner-city youth looking for hope in the labor market? What of the vocational education student searching for a field of study that will offer bright employment opportunities? And what of the college student trying to identify an academic concentration that promises a secure profession?

Mr. President, we have a skills gap in this country. According to a Labor Department Study, Workforce 2000, three out of four new workers will have only limited verbal and writing skills.

Their skills fall short of what is needed in 60 percent of the new jobs. By the year 2005, most 18- to 24-year-old entry workers will come from the public schools of distressed urban districts. These people need help. They need guidance.

Mr. President, why are we designing information for use by those from other nations, while we fail to design shortage information to help fully develop our domestic work force and improve opportunities for U.S. workers?

Why should foreign students and foreign workers be guided by the best available information on U.S. occupational shortages, while Americans are kept in the dark? The answer is they should not be left in the dark.

Apparently, even the Department of Labor agrees. A January 1989 Labor Department report says:

U.S. workers should be the primary beneficiaries of labor shortages, which tend to engender improved job opportunities, wages and working conditions.

The Department of Labor believes that immigration's most appropriate labor market role is to facilitate and supplement policies seeking to improve opportunities and access to U.S. workers.

Mr. President, the problem is we do not have the policies U.S. workers need. We do not have the information. The amendment I am offering directs the Secretary of Labor to publish and widely distribute the annual list of labor shortages, including such information as the occupations involved, number of jobs available, the industries and geographic areas where the shortages are concentrated, wages, entry requirements, and job content—the information that can help those prepare for the opportunities that are out there.

Only when workers and employment professionals know where the shortages are, can we take effective steps to reduce those shortages.

The amendment also directs the Department of Labor to prepare an annual plan to reduce the shortages identified, through action of federally funded employment, education, and job training programs.

Such action may include promoting recruitment, encouraging career counseling, accelerating and enhancing education and training efforts, and other steps, many of which are effectively described in the January 1989 Department of Labor report.

The plan would also include helpful recommendations for other appropriate parties and agencies. Finally, the amendment would require the Department of Labor to conduct research to improve accuracy and geographic scope of the process.

Canada and Australia already are doing the kind of reporting that I propose here today.

Mr. President, the amendment I am offering is based on the text of S. 741, the Labor Shortage Reduction Act of 1989. That bill has the support of both public and private employment professionals represented by the Interstate Conference of Employment Security Agencies and the American Society for Personnel Administration. The bill also has the endorsement of the Aerospace Industry Association.

Mr. President, it would be a travesty to provide job listings for foreign workers, while we kept our own workers out of touch with the opportunity. I urge my colleagues to support this amendment.

Mr. President, I understand that the amendment is acceptable to the managers of the bill and the chairman and ranking members of the Labor and Human Resources Committee. I thank them for their cooperation. I ask for adoption of this amendment.

Mr. KENNEDY. Mr. President, I want to commend the Senator from New Jersey for his amendment. I think the amendment will produce invaluable information regarding labor shortages in specific occupations. Currently such specific data is unavailable. As the labor market tightens, such information will be essential for employment policymakers for directing scarce resources in education and training as well as remuneration policy decisions.

I want to thank the Senator from New Jersey for also accommodating the concerns of the Department of Labor. My understanding is the Department does not oppose the amendment. Changes suggested by the Labor Department which are incorporated in the amendment are instructive and will improve both the available data and how the data is to be put to use.

On behalf of the Senator from Wyoming and myself, I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from New Jersey.

The amendment (No. 247) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, I believe the Senator from Utah is ready to proceed with his amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 238

(Purpose: To prevent the reduction of family preference immigration below the level set in current law)

Mr. HATCH. Mr. President, I call up an amendment No. 238, the Hatch-DeConcini amendment, and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the Gorton amendment will be set aside once again.

The Clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. HATCH], for himself and Mr. DECONCINI, proposes an amendment numbered 238.

Mr. HATCH. Mr. President, I ask unanimous consent that further read-

ing of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 77, strike lines 15 through 19, and insert in lieu thereof:

"(A)(i) 480,000, minus

"(ii) the number computed under paragraph (2), plus

"(iii) the number (if any) computed under paragraph (3); or

"(B) 216,000,

"whichever is greater."

On page 79, line 21, beginning with "number", strike through the second "in" in line 22 and insert in lieu thereof "numbers specified in subsection (c)(1)(A)(i), subsection (c)(1)(B), or".

On page 80, line 9, strike "number specified in subsection (c)(1)(A) or the number specified in" and insert in lieu thereof "numbers specified in subsection (c)(1)(A)(i), subsection (c)(1)(B), or".

On page 80, line 21, strike "(c)(1)(A)" and insert in lieu thereof "(c)(1)(A)(i), (c)(1)(B),".

On page 80, line 22, strike "(c)(1)(A)" and insert in lieu thereof "(c)(1)(A)(i), subsection (c)(1)(B),".

On page 81, line 23, strike "subsection (c)(1)(A)" and insert in lieu thereof "subsections (c)(1)(A)(i), (c)(1)(B),".

On page 83, line 20, strike "subsection (c)(1)(A)" and insert in lieu thereof "subsections (c)(1)(A)(i), (c)(1)(B),".

Mr. HATCH. Mr. President, before I discuss our amendment, I want to commend the work of the Senators SIMPSON, KENNEDY, and SIMON on this particular bill. It has many valuable features. I know that Senators who take on this particular thankless task of dealing with these difficult issues are buffetted by those who say we let in too many immigrants on the one hand, and those who say we let in too few on the other. Sometimes charges get hurled and epithets hurled around directed at Senators KENNEDY and SIMPSON that are shameful and uncalled for.

So I do appreciate the work they are doing, and also Senator SIMON.

Having said that, we have a major problem with the bill which the Hatch-DeConcini amendment addresses.

Mr. President, the purpose of this amendment is to ensure this bill does not operate automatically to reduce the number of visas available to immigrants and poor family connection preference categories below the current level.

I want to take some time to explain the family preference situation under current law and the changes made by S. 358. My concern is about those changes, and then I want to explain the Hatch-DeConcini amendment.

Under current law, there are two broad categories of legal family immigration. One category is for other family connected immigrants under a preference system. Under current law, there is no cap on the number of immediate relatives of U.S. citizens who can immigrate to this country each year.

Immediate relatives of U.S. citizens are their minor children, spouses, and parents of citizens over 21 years of age. They can enter the country each year without limit.

Minor children, spouses, and parents of citizens over 21: unlimited immigration.

In addition, 216,000 visas are allotted to other family connected preference immigrants of the following preference categories. So we are talking about family connection preference immigrants. There are four preference categories: Unmarried adult children of U.S. citizens, spouses, unmarried children of permanent resident aliens, married children of U.S. citizens, and brothers and sisters of adult U.S. citizens.

Moreover, most importantly, the visas allocated to these four family connection preference categories each year are not, and I repeat not, offset by the number of immediate family relative immigrants who enter the country in a given year.

Thus the 216,000 visas for family reunification in these four family connection preferences or preference categories are always available each and every year under current law.

Under the bill before us, S. 258, which this chart shows, the number of visas for family reunification under the four family connection preference categories could drop below the 216,000 provided annually under current law.

This is the problem that the Hatch-DeConcini amendment seeks to avert. Let me explain how the bill works in this regard. There is a new subsection 201(c)(1) of the Immigration and Nationality Act, and under the bill, this would establish a worldwide level of family connection immigration. That is for the four family connection preference categories. That annual worldwide level is equal to 480,000, minus a number of immediate family relatives, plus the number, if any, of unused independent visas.

Now, that looks pretty good under current law and as of today. If there are any unused visas from the independent immigrant category, that category or employer sponsored or new seed immigrants, they will be added to the number of visas available. Because it is unlikely there will be any such unused visas, I want to put that part of the formula to the side.

The crux of the issue for family connection preference immigrants under this bill is basically this: The bill starts with 480,000 allowed in. It then subtracts, minus from the 480,000, a number of immediate family relatives to enter the country to determine the number of visas available to the four family connection preference categories for the following fiscal year. And the number of immediate relative immigrants eligible to enter the country each year remains uncapped. Accordingly, because approximately 220,000 immediate family relatives entered the country last year under this particular bill, if it becomes law, without the Hatch-DeConcini amendment, the 480,000 figure would be offset by the 220,000 figure.

Now, this would leave 260,000 visas available for family reunification in the four preference categories in the following year. Indeed, this is the figure which the sponsors of S. 358 have provided. I note that this would be an increase of 44,000 under current law. That is good news. The bad news is that as immediate family immigration increases each year, the offset, of course, reduces the number of visas available to immigrants in the four preference categories.

Make no mistake about it, pitting immediate family relative immigration against family connection preference immigration is a very profound change in our legal immigration policy. My basic concern is that such future increases might reduce the number of visas available to the four preference categories below the 216,000 which are currently available under current law. Indeed, this offset could drastically reduce family preference immigration and even eliminate it. Nothing in S. 358 guarantees this will not happen.

This is a difficult area in which to make predictions, because immigration patterns can vary over time. These patterns were also sensitive to world events. The number of immediate family relatives who immigrated to this country in 1980 jumped about 10 percent over the 1979 number. The 1979 number, in turn, was about a 10-percent increase over the 1978 figure. Yet, the increase from 1980 to 1981 was less than 1 percent. Between 1985 and 1986, the number again increased by nearly 10 percent. So the increases vary. Now, we need to remember that as the undocumented aliens that have been granted amnesty become citizens and are thereby eligible to bring in immediate relatives, the extent of immediate family immigration could dramatically increase. That would reduce this number down to where it could be well below the 216,000.

According to a GAO [General Accounting Office] letter to me dated July 7, 1989, just a week ago, family preference immigration in the four preference categories would, under current law, total 2,160,000 between 1990 and 1999. The GAO also estimated, however, that under S. 358, as it is presently before us, that number would drop to 1,501,151. That would be a decrease of nearly 659,000 family connection preference immigrants.

Moreover, the GAO also estimated that as a result of the offset of imme-

diate relatives against the family preference immigration categories, as immediate family immigration rises during the decade, family preference immigration would drop to zero by 1999. Now, this assumes there is no change in the immigration levels established in the bill.

Earlier, in March 3, 1989, testimony, the GAO estimated that family preference immigration under S. 358 as originally introduced would drop to zero by 1998. Therefore, the bill before us, as amended in committee, delays this draconian outcome by just 1 year, according to the GAO. Now, I realize that the bill provides for a mechanism to increase or decrease the level of family connection immigrants by adjusting the 480,000 figure against which immediate family immigration is offset. Even if the visas for family connection preference immigrants drop below 216,000, however, there is no guarantee that this mechanism will result in any increase in the visas available for these immigrants and for these families, for reuniting these families.

Let me explain this mechanism. Under the bill, in the March before fiscal year 1984, and every 3 years thereafter, the President may recommend no change, an increase or a decrease, in the 480,000 level, against which the immediate family relatives are offset. If the recommendation amounts to a 5-percent change or less, it goes into effect, unless the Congress disapproves it. If the President recommends a change in the 480,000 level of greater than 5 percent, it goes into effect only if Congress approves it. That may be very difficult to do.

In my view, this is a mechanism which provides for the periodic review of immigration levels. But, as I mentioned earlier, it guarantees nothing. If immediate family relative immigration climbs to the point where the offset reduces the number of family connection preference visas below 216,000, which will almost certainly occur under this bill, nothing in this bill requires the restoration of the 216,000 figure.

In short, this bill creates the clear and present danger that it will automatically operate to reduce the visas available to family connection preference immigrants below the numbers available today. Now, why should that be of concern? I believe that family connection preference immigration is good for our country. Family reunification under these categories, I believe, is desirable, because it reflects traditional American family values. Immigrants in these categories have done much for America and made it a better place. Of course, America has done much for them. The operation of our free system of government and free enterprise has helped them, as these immigrants have, at the same time, used our system to add to the strength of our Nation.

I believe that the Hatch-DeConcini amendment is consistent with the intention of the sponsors of S. 358. The committee report, on page 7, discusses the national level for immigration created by the bill. The report says:

> Some concern has been expressed that the establishment of a national level may have the unintended consequence of severely restricting immigration under the family preferences.

I stress that the report calls a severe restriction of family preference immigration "unintended." Moreover, the committee report goes on to say:

> In establishing the national level, it is clearly not the committee's intent that it be used as a device for arbitrarily restricting immigration. The national level mechanism merely ensures that increases and adjustments are by deliberate actions and not by unchecked growth that characterizes current law.

Fine. Let us then take care of the risk of the unintended consequence that family preference immigration may drop below the level permitted under current law. Let us make sure that there is no restriction on family preference immigration as a result of the clear potential for growth in the uncapped immediate family relative category.

Let me explain the Hatch-DeConcini amendment. Here is how the Hatch-DeConcini amendment seeks to prevent S. 358 in causing a reduction in family preference immigration at below the level of current law. What we have here is, the amendment leaves the upper limit of the worldwide family preference immigration, the cap, at 480,000 as provided for in S. 358.

The amendment leaves in place S. 358's offset of immediate family relatives against the 480,000 figure.

So we start with 480,000, minus the number of immediate family relatives, plus the number, if any, of unused independent immigrant visas.

The amendment then provides, however, that the number of visas available to family preference immigration shall not drop below 216,000 in any fiscal year—the number available under current law.

Here is how section 201(c)(1) would read, in effect, as amended by the Hatch-DeConcini amendment:

> The worldwide level of family connection immigrants under this subsection for a fiscal year is equal to—
>
> (A)(i) 480,000, minus
>
> (ii) the number [of immediate family relatives], plus
>
> (iii) the number (if any) [of unused independent immigrant visas]; or
>
> (B) 216,000,
>
> whichever is greater.

This change makes sure that S. 358 does not automatically operate to cause a reduction of family preference visas below a floor representing the number of such visas available today.

The amendment also subjects this 216,000 visa floor to the mechanism in S. 358 which allows the President, every 3 years, to recommend increases or decreases in the levels of immigration established in the bill. I described this mechanism earlier. Thus, the amendment keeps the 216,000 visa floor and makes sure S. 358 itself does not operate to reduce that number. Plus, the amendment allows Congress, in conjunction with a Presidential recommendation, to consider whether it wants to change the floor in the future. Let us reaffirm that we will at least preserve current levels unless we, in Congress, affirmatively decide to reduce them. Let us not run the risk that we may inadvertently cause a reduction of current family preference immigration below the current level.

I do not believe the sponsors of this bill want to cause such a reduction. If that is indeed the case, then I would think that this amendment could be accepted by them.

I should note that I am against the idea of an offset altogether. I do not think we should pit immediate family relative immigrants against family-connection preference immigrants. The Hatch-DeConcini amendment, which preserves the offset with a floor, is a very reasonable middle ground.

Let me respond, Mr. President, to those of my colleagues who may believe that our concerns about a rise in immediate family immigration dropping family preference immigration below 216,000 are exaggerated. If our concerns are exaggerated, then the amendment should be acceptable because it is harmless, it will not have to go into effect. On the other hand, if our concerns are justified and the immediate family relative offset would operate to drop family preference immigration below 216,000, we should make sure that we avoid such a result unless we affirmatively choose to reduce that number in the future.

If Senators wish to make sure we preserve the 216,000 visas available each year to family preference immigrants, then they should support the Hatch-DeConcini amendment.

I feel it is important that we take this modest step. It works no change in the basic fabric of the bill. It underlines Congress' view that the family reunification policy has been good for the country and that we continue to feel that way.

Even those who believe, as I do, that an independent, new seed category and more skills-based immigration is desirable, also acknowledge that family preference immigration is healthy for the country. Ben J. Wattenberg, senior fellow at the American Enterprise Institute, one of the bright-

est people here in Washington, wrote in the June 15, 1989, Washington Times that there should be more immigration based on skills. But he also said, "The criterion of family preference is important and beneficial."

Now, Mr. President, I know the sponsors of S. 358 agree with that. They have provided for a new, independent category of immigrant not tied to family relatives in the United States. And they have provided for an initial, modest increase in family preference immigration. All that the Hatch-DeConcini amendment does is make sure S. 358 does not operate inadvertently in the future to drop family preference immigration below levels in current law.

In that regard, I compliment my distinguished friend from Arizona. Without him, we would not have this amendment nor the force of this amendment on the floor today.

I thank him for the work that he has done in this area along with the work he has done with regard to immigration policies generally.

With that, I urge my colleagues to support this amendment. I think it is a worthwhile thing to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as a member of the Judiciary Committee, the Senator from Utah, has involved himself in the issues involving immigration, and we have certainly welcomed the opportunity to discuss with him various provisions, as well as with the Senator from Arizona, who has been extremely active in all of the immigration debates, both that have been held in our committee as well as on the floor.

Obviously, the amendment raises important issues that at the outset are quite seductive in their appeal, but they have to be considered in the total context of what we have been attempting to do with this piece of legislation.

We have to look at the various provisions which are basically affected by the amendment. As I mentioned earlier in the debate, some of those are provisions involving the special skills, the third and sixth preferences, and the independent category that has been one section of the legislation.

We have the current family preferences and the current immediate relatives. What we have been able to do is to see a significant increase of some 44,000 for the family members who are qualified to come to the United States.

So, on the one hand, we have provided a very significant and expansive measure, perhaps not as much as I would like to have it, but a lot more than certainly other members of the Judiciary Committee. But I think it is an important expansion in terms of family members.

So we believe that the central concerns that have been raised by the Senators from Utah and from Arizona have been accommodated. I would not be a part of the legislation unless I was absolutely convinced that they were.

We have examined the last 10-year period in looking at the growth rate in immediate relatives. I believe we went back even longer than that—I think it was 15 years—to try and detect what might be a reasonable expectation of the growth rate, and we not only built that in but built in a very substantial increase over that, I think we effectively doubled that rate, which will be eligible to others than immediate relatives.

As a political matter, it is unrealistic to think that we would have gotten that increase unless we developed the formulation that we did in establishing a national level of immigration. That happens to be the reality. We can spend the time of the Senate here to say why that is the case, and I think my colleague from Wyoming would agree with that, because there are a number of policy matters and implications involved.

So I respect certainly the concerns which have been expressed by the Senator from Utah and I know the concerns of the Senator from Arizona.

I hope that the membership would feel that under the leadership of Senator SIMPSON and my working with him, both as the chairman of the subcommittee as well as when he was chairman, we have been an active committee, we have been sensitive, we have brought these matters to the Senate in an unprecedented way for discussion and debate.

As we mentioned, there have only been four general immigration bills in the history of this country, but we have seen, both with the 1986 act and with this legislation, a willingness to respond to the various concerns which this institution has, and we like to believe that as a result of these debates we have a better informed Senate, a better informed country on the immigration policy generally and we are having a more positive impact on the issue in this way.

So, while I respect the concern over the ceiling, but once we start building in these limitations we lose the basic concept of a total national level of immigration.

We do believe that we have placed in here sufficient numbers, based upon a 15-year record, to accommodate any growth in immediate relatives.

I understand the concern that we have in terms of the family preferences. We are basically talking about adjusting between the immediate family relatives and other family preferences. It seems the way that we have constructed that in this legislation is a desirable way to go.

Mr. SIMON. Will my colleague yield for a question?

Mr. KENNEDY. Yes, I am glad to yield.

Mr. SIMON. As the Senator from Massachusetts knows, philosophically, I agree with my colleagues from Utah and Arizona on this. But is it not true that if this is adopted, this carefully crafted compromise is likely to come apart and we are likely to end up with no bill at all?

Mr. KENNEDY. Well, the Senator, I believe, is correct. I am always reluctant to talk about killer amendments. I will let the Senator from Wyoming express his views on that. But the effect of it would be, I believe, that once we trigger this in, what we are basically saying is we have a ceiling but it is no ceiling, because it can be varied and what we will do is lose the additional places, the 44,000 additional places, that would be available for family members which are not available today. And that, I think, is a disservice to those families.

I mean, this is a tough kind of a balance, as we debated before. We have had tough decisions on this. We have been trying to make decisions whether we are going to give special priority and preference to younger children who are not married or whether we treat the total family.

To be very frank about it, I can argue that both ways. But we made that decision, we made that judgment now, and we made it in a way in which I think was wise because we made it in a way which the groups which are most affected by it support it.

So, in precise answer to the Senator from Illinois, if we were to alter that particular kind of a cap, then we have no cap. And I think we lose those other 44,000 positions that will be available to family members which are included in this legislation. I think that would be a real disservice. It is really for that reason that I oppose the amendment.

(Ms. MIKULSKI assumed the chair.)

Mr. SIMPSON. Madam President, I will be a bit more dramatic and will label this then is a killer amendment. I think it is. And I do not mean to be dramatic or involved in selective opposition. That is what this is.

This removes the last essential element of the bill that passed the Senate in 1988. There is not a thing that Senator KENNEDY, Senator SIMON, and I have not compromised to get to this point, I can assure you. As Senator KENNEDY has said so beautifully, if anything were easy in this line of work, then we would mess with immigration reform more than four times a century. It is tough stuff because it gets caught up in emotion, guilt, fear, and racism. I have said that

dozens of times. People are tired of it—tired of having to deal with it.

But things pop up. We have done some racist things in immigration reform in our history. Senator KENNEDY was in the forefront of correcting that in 1965. We try not to do it any more. We think of ourselves as being sensitive. But you can imagine my anguish in going through the illegal immigration bill and having minority groups donging on my head all day and all night telling me it was discriminatory and racist and everything else. I said, "What is more racist than just doing nothing and watching millions of people get exploited in the United States?" Well, they did not have any answer for that. I have been through that one. That is the most distasteful one I have ever gotten into. And that is what happens if you do nothing.

Then you give these advantages and these selective things. I will never forget one time when I was giving a little public talk on the issue and someone came up and sloshed booze on my shoes and said, "Your bill does not apply to Gretchen in the kitchen, does it?" And I said, "Yes, it does." Then I watched their magnificent liberalism just slip down the drainpipe. This is curious business. Because you know he said Gretchen in the kitchen was like "one of the family." But she looked like she had been on the Bataan death march, and they were giving her 50 bucks a week and every other Thursday off. That is the kind of stuff you get into in this game.

I really do not know the purpose of this amendment other than just tremendous group pressure. I understand that. That I do understand. But I can tell you that it strikes at the very heart of the legislation.

Because at sometime in the future the generosity of the American people will become strained. I have described it once as "compassion fatigue." You keep playing with the numbers and you keep doing this kind of activity and you will see what is called compassion fatigue. Then, when the real crush comes and we need to reach out to immigrants and refugees—and people do not make any distinction around here about that any more, and they are totally different, totally different—the American people might not respond in the way they have in the past. I think that is just worth commenting on.

It is not easy. This bill passed—not this bill, but something very close to it—passed the Senate by a vote of 88 to 4 last year. Then Senator KENNEDY and I went back to work and boy, we both swallowed hard. Then our good friend from Illinois came on the scene and, because he has been a very remarkable player in the game, he swallowed hard. And so we came up with this bill. It is not perfect, but it does address what we think is the national interest of the people of the United States: How many people does this old country intend to take? What are the social and economic considerations? What are the environmental considerations? That is what someone has to deal with. And that is not fun.

But I will tell you, we should give unrestricted visas to immediate family of U.S. citizens, and we do. We do not even count them. We just bring them in. And that is a pretty generous country.

And then we have the fifth preference, which is so distorted. If I had my way, we would vote to strike it. That is as painful for me to keep in this bill as it is for some other provisions that are painful for the Senator from Massachusetts or the Senator from Illinois and any other Senator. The fifth preference is a total distortion. It is a distortion. The numbers you take there you are robbing from spouses and children when you total it all up.

The fifth preference has a backlog of 1.4 million, and it is going to keep growing. I do not know how many people are really in it. Probably half of them are here already illegally. That is what I would have done if I had to wait in the backlog for 20 years. What would you mess around in your own country for with a backlog of 10, 11, 15, 20 years? You would be here. I think half of them are here, and I think some of the other half are probably deceased. We have not gone back for a reregistration to find out where that scorecard is on the fifth preference.

But we are going to keep that archaic bit of whatever it is and in the process rob numbers from spouses and children. I hope you can get the message as to what that really does. It eventually comes out just that way.

So the national interest of the United States is often missed in the great debate with regard to immigration because it gets tangled up in ethnicity and bigotry and prejudice and all sorts of things all up and down the pike.

The Hatch-DeConcini amendment would clearly tie the President's hands. There is no question about what it would do. It would tie the Congress' hands. If family-based immigration grows by more than 64,000 visas per year over its present level, affirmative action must be taken to restrict that growth. Now, that is what it does.

The amendment is against the grain and the philosophy of the Kennedy-Simpson bill. Our bill's philosophy is, we hope, clear. It is complex, yes, and noboby likes to deal with it except the interest groups. They love to deal with it. And they are very effective because they work on those four items that I just discussed before: emotion, fear, guilt, racism.

Our bill's philosophy is to increase legal immigration by 22 percent. Think of how many people have to swallow hard on that when every poll in the United States says we should limit legal immigration. Roper, Gallup, the Field poll in California—they all say we have enough or too much—60, 70, 80 percent of those polled—they say this is enough.

I am not that way. I am not ugly on that. So we arrived at a 22-percent increase.

Somebody is missing the boat when small pockets of high-powered pressure, using those four engines, will get into the game, when they know the American people do not want us to get in that game. Yet, I will continue to go on, and I have, under this bill. And the philosophy is to raise legal immigration by nearly a fourth and eliminate the present uncontrolled and undirected growth of immigration. How can we handle it all? How do we treat these people?

Those are important things. Under our bill, the specific changes in the level of immigration must be approved by us, by the people's elected representatives, the President and the Congress. That is what we do in this bill.

The bill provides for a report to consider the requirements of citizens of the United States and of aliens lawfully admitted for permanent residence to be joined in the United States by immediate family members. It provides the means to follow closely the family preferences.

That is what this amendment is all about. It is premature and out of whack. It does not even fit.

They are addressing something in this amendment which is taken care of in the bill. We have left the numbers high enough so nothing happens until this report and the subsequent review takes place. We are not in here just diddling around.

So then we are going to examine that. We are going to examine the impact of immigration on labor needs, employment and other economic and domestic conditions in the United States; the impact of immigration with respect to demographic and fertility rates and resources and environmental factors. We talk all day about acid rain and greenhouse effect.

How about immigration? That is where you have to find a place on in this country for a home and a family to surround you. That is what you provide. And those demand our attention, too, together with the impact of immigration on the foreign policy and national security interests of the United States.

Well, I have been through that one, too, because not only do we have real refugees, we have economic refugees, and we have financial refugees, and we have foreign policy refugees. We have

four different categories of those except there is only one true refugee in the statute books.

So here we are, now, with an amendment which takes away the ability of the Congress and the President to do what we are supposed to do; which is what we do not like to do. So we provide a very flexible triennial process for these changes to be considered. I do not know what could be more fair. And nothing will happen to the people that Senator HATCH and Senator DECONCINI are interested in. Nothing. I can assure my colleagues that nothing will happen because we built in the numbers to assure that nothing would happen. Then the report will come out, and that is what all of us are interested in finding.

Immigration levels should not be allowed to just increase based on demand from abroad for visas in any particular category. That is not what the national interest is.

Very unfortunately, in my mind, the Hatch-DeConcini amendment would return us to a system that is not controlled by the President nor the Congress. It would allow continued growth in our immigration system without approval by the American public's elected representatives. And, I tell you, it severely undercuts the principle of a national level of immigration, and I strongly oppose the amendment.

I do not know how far we could go if this amendment became part of the package. I do not say that in an attitude of petulance. I have swallowed hard on lots of stuff. But I tell you, it would sure cause a lot of people to think more than twice about passing a bill with this in it when there are many people in here on both sides of the aisle who might best be described as rather reserved on the issue of new numbers and higher numbers.

There are a lot of persons who are not in this debate who cast those silent votes on both sides of the aisle who would not stand for any of this. You could lose the whole package. That is what I think you will find. Because we are going to open it up—and that is the only word we can use—we are going to open it up. Period. That would define it, I think, quite crisply.

If we want to be about our work then let us take our precious numbers, huge numbers up 25 percent, let us see they go to closest family members: spouses and children. That, eventually, will cause us to review carefully the next report as to what we have done, what we need to do, and whatever any administration that happens to be in power, Democrat or Republican, should be doing that is in the national interest.

The PRESIDING OFFICER. The Senator from California.

Mr. CRANSTON. Madam President, I strongly support the amendment being offered by Senators HATCH and DECONCINI to S. 358, and I urge my colleagues to support it also. As its principal sponsors have very forcefully, eloquently and persuasively argued, this amendment is both necessary and highly reasonable.

This amendment is necessary because, without it, the legislation we are considering today could drastically reduce family-based immigration, the best kind of immigration there is. S. 358 represents a departure from the traditional priority which has been placed on family reunification efforts under our immigration laws. It would—for the first time—place a cap on the number of visas which would be issued for family reunification efforts. Under that cap, the number of visas issued for the immediate relatives of U.S. citizens—which are not limited—would be subtracted from the number of visas available for other family reunification efforts. The General Accounting Office has determined that this cap and its mechanism which offsets visas for immediate relatives against other family preference visas, contained in S. 358 as originally introduced, could mean that family preference immigration could drop to zero by 1998–99.

As I said earlier this morning, Madam President, I oppose the cap. In my view, this legislation should not impose a new cap on family sponsored immigration in any way, shape or manner. The needed reforms to our system of admitting immigrants to this country can be accomplished without the cap. I was an original cosponsor of Senator SIMON's legal immigration reform bill, S. 448, which did not contain a cap. That bill proposed many of the same reforms which are contained in the Kennedy-Simpson bill, but it did not propose to accomplish those reforms at the expense of family-sponsored immigration. The legal immigration reform bill which is currently being considered in the House, H.R. 672 authored by Congressman BERMAN, does not impose a cap on family-sponsored immigration yet it, too, proposes many of the same reforms which we are considering today in this measure. It is my sincere hope, Madam President, that the final legislation which is enacted into law will not impose a cap on family sponsored immigration.

Nevertheless, Madam President, I urge my colleagues to support this amendment which mitigates, to some degree, the harsh impact of the cap. While this amendment will retain the cap and the offset mechanism which allows the number of visas issued for the immediate relatives of U.S. citizens to be subtracted from the number of visas available for other family-connected immigrants, it assures that the visas available for family-connected immigrants will not fall below the number available under current law, and that is 216,000.

And that is 216,000. Given the concerns which have been raised by GAO's projection that the cap and its offset mechanism could drastically reduce family-sponsored immigration, this amendment merely assures that family-sponsored immigration will not fall below current levels.

If this legislation must contain a cap on family-sponsored immigration and if immediate relative visas must be offset, unfortunately, against other family visas under that cap, then in order to adhere to the traditional priority which has been given to family reunification under our immigration laws, we must take the necessary precaution to insure that family-sponsored immigrants do not have fewer visas available to them in the future than they have today.

The opponents of this amendment have argued that this change in the legislation is unnecessary because procedures are provided to review and adjust the level of immigration every 3 years. They argue that any future negative impact on family-sponsored immigration caused by the cap and its offset mechanism can be addressed by the independent commission created by this legislation to review and recommend changes in the national level of immigration. And the Congress may act expeditiously to address those changes under special parliamentary procedures established by this legislation. That is their argument.

Well, Madam President, I agree with Senators HATCH and DECONCINI that this is no guarantee at all that current levels of family-sponsored immigration will be maintained. The better approach is to adopt this amendment now and thus make sure that this legislation will not curtail future family-sponsored immigration below current levels.

Finally, Madam President, I am aware that this legislation we are considering today increases the number of visas available for family-connected immigrants. I support these increases, and I urge my colleagues to support these increases.

The sponsors of this legislation argue because of these increases, this legislation in no way diminishes our traditional priority on family reunification. I cannot agree. I simply cannot agree with this so long as this legislation also contains a cap, an offset mechanism which could drastically reduce the future availability of visas for family-connected immigrants. For all these reasons, I fully support this amendment.

I urge my colleagues to support it also, and I want to point out it is a very bipartisan effort. We have Senator HATCH, a Republican on the one hand; we have Senator DECONCINI, a

Democrat on the other. I applaud them both for their leadership on this issue. I, a Democrat from California, have just spoken for this amendment, and my colleague, Senator PETE WILSON from California, is on the floor and he will take the same position. There are Democrats and Republicans alike who are strongly in support of this amendment, strongly in support of family immigration.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Madam President, I am pleased to support the amendment offered by the Senator from Utah [Mr. HATCH]. He has worked long and hard on this subject matter. I am pleased to have participated in this effort.

I want to say the Senator from Wyoming and the Senator from Massachusetts have devoted a good chunk of their career, and perhaps their political hides, to the immigration issue. It is not an easy issue. I have great admiration for what they have done, even though I have disagreed with them on a number of occasions. Be that as it may, the amendment before us will counter the negative effect that S. 358 has on family preference immigration. S. 358 has in it a provision which threatens to eventually eliminate the family preference immigration into this country.

The United States has a long tradition of immigration based on family preference. We hear about that and talk time and time again about the family; that we are a Nation that is going to do something about the family, whether it is day care or whether it is child support laws or what have you, we are talking about the family. This is what this amendment is all about.

S. 358 attempts to place some kind of limits on legal immigration. Some kind of a cap which we hear referred to, but the cap really is on the first, second, fourth and fifth, preferences, not a cap on immediate relatives. There is no cap on that, and I defy anybody here to point out that there is a cap on immediate relatives. They can come in.

Now it happens that there were less than 300,000 last year, but if there were a million, that is how many would come in. Where the cap comes in is that it puts a cap on these preferences.

I think that is a mistake. Legal immigration level into the United States in this legislation is a level of a maximum of 600,000. It is divided into two categories of 600,000.

The first category is independent immigration. Individuals entering under these categories are selected by certain means unconnected with having a relative already in the United States. That is part of this bill, and so be it.

The second category of legal immigration and the category that concerns me is related to family connections. Under S. 358, the family connection category is further subdivided into two groups. The immediate relatives of American citizens are in one group, and visa applications with other family preferences are in the second group.

So you have the one group that there is no cap on. I think it is important for our colleagues to understand there is no cap on that first group. As many of those immediate relatives of American citizens can come into the country today, tomorrow, the next until we change that law. This law does not change that. It does not stop immediate family relatives from coming, but it has a tremendous effect on the visa applications of the other family preferences.

S. 358 and the current law limit nothing on the first group, as I underscored, and I think that is important to understand. This bill would, however, limit the number that can come in under these other preferences, and that is what we want to talk about.

I do not want to say the Senator from Wyoming is calling this something that he thinks is a killer amendment, but we are not talking about killing anything. What we are talking about is life. We are talking about permitting families to live together. To me that is not a killer amendment.

This limit on family preference immigration would be calculated by subtracting the number of immediate relatives visas issued from 480,000, an arbitrary figure set there, and that is where we come up with this so-called cap. It is no cap except as to the second group that I talked about, visa applications with other family preferences, those other four preferences.

For example, last year, 220,000 immediate relative immigrants came into the United States leaving 260 family preferences visas that could have been granted. So we had in the first group 220,000 immediate relatives. It could have been a million, it could have been 480,000. It was 220,000. That is how many were processed. They were all brought in.

There was nobody saying there is a cap here, and there is nobody going to say in this bill there is a cap now on those immediate family relatives. They are going to come in.

If that number grows, you have more immigrants into this country. The problem with this approach is that for every immediate relative immigration visa that is granted under this present bill, a family preference visa is going to be denied. So as this grows, the family preference, the second group that I am talking about, is going to shrink.

Is that what we want? We do not want family preferences to come in?

Let me read what those preferences are: Unmarried adults, sons and daughters of U.S. citizens. That is going to shrink; less family members are going to come in; spouses, unmarried sons and daughters of permanent resident aliens; married sons and daughters of U.S. citizens, they will not be able to come in as the immediate family relatives group grows and comes into the first group. And then brothers and sisters of adult citizens of the United States. I do not think that is what immigration is all about, or family legislation is all about.

S. 358 could even result in the complete elimination of the family preference category. I believe that is where we are really headed. The Senator from Wyoming pointed out he thinks these preferences should be gone. I do not want to put words in his mouth. Maybe he has taken out all of them. I know I have talked to him about the fifth preference. I think that is a matter of disagreement. If you do not want sons and daughters of adult citizens, if they are part of your family, they ought not to be permitted into the country, well, that is the policy. That is what this bill does because it limits that group as the immediate family members grow. I do not think that is good policy.

The General Accounting Office predicts, as the senior Senator from California has already pointed out, by the year 1999, 10 years from now, immediate family immigration will total 480,000 and as a result of that family preference immigration under S. 358 would be zero. So this second group is gone in 10 years. The Senator from Wyoming said we only address immigration four times in a century. Maybe we will address it four times in the next 10 years or one more time in the next 10 years but why put into the law something that is literally going to wipe out a whole preference, and that preference is family members.

Mr. WILSON. Will the Senator yield.

Mr. DECONCINI. I will be glad to yield to my friend from California.

Mr. WILSON. It is my understanding from what the Senator has just said that someone who had been in the category of a fifth preference for as much as perhaps 10 to 11 years, a brother or sister of a U.S. citizen, could conceivably under S. 358, were it to become law, find himself ultimately, notwithstanding that 10- or 11-year wait, displaced by an increase in the number of immediate relatives that is predicted to swell under the GAO study by 1999 so as to fill up the entire 480,000 slots.

Mr. DECONCINI. The Senator from California is so right. The important thing to reiterate I think is that the

immediate families are not going to be reduced. They are going to be able to come in no matter how many there are. It is this preference of the brothers and sisters of citizens that is going to be shrunk as the Senator from California very astutely points out.

Mr. WILSON. The same thing would be true, I take it, where we are talking about not a brother or sister but the spouse or unmarried son or daughter of a permanent resident. Even though they get an increase, over what is presently authorized, they could be entirely crowded out.

Mr. DECONCINI. Exactly. That is what is going to happen. There is no question that the immediate family members are growing. The Senator from Wyoming pointed out the percentage. But what we are seeing is that number growing and at the same time these preferences that have been a policy of this country for a long time to unite families are going to shrink.

Mr. SIMPSON. Mr. President, will the Senator yield.

Mr. DECONCINI. Certainly, I yield to my good, dear friend from Wyoming.

Mr. SIMPSON. To keep the debate topical. I want to do that because this is what we need to do in this. I have never said I wanted to get rid of any preference.

Mr. DECONCINI. If the Senator will yield, I thought he said earlier he would vote to get rid of it.

Mr. SIMPSON. The Senator said get rid of it. I have never said that.

Mr. DECONCINI. I apologize.

Mr. SIMPSON. I said I would want to get rid of the fifth preference, if I had my druthers. And let me ask this of my two friends, who have been deeply involved in immigration issues. Senator DECONCINI, my friend, and I served together on the Select Commission on Immigration for Refugee Policy and he knows how tough it is. My friend from California represents the State of California, and that is about as rough as you can get, unless it is Arizona or unless it is Utah. I understand that. I hope everybody understands that, too, because that is what we are talking about. We are talking about heat.

Now, I am talking about immigration. If you want to leave it as it is today, then the wait for a Filipino brother of a U.S. citizen today is estimated to be 50 years, if he applies today. I hope all are hearing that. Fifty years. That is present law. We can leave it like that. I guess I am ready to do that.

Is there anyone in this Chamber who would distribute limited visas to a brother and a sister-in-law and to nieces and nephews, and not to spouses who have been waiting to join their wife or husband here for years? Anyone here want to do that? Let us get down where the rubber meets the road.

Mr. DECONCINI. Will the Senator yield? I will be glad to answer that question.

Mr. SIMPSON. Yes.

Mr. DECONCINI. If the amendment of the Senator from Utah and the Senator from Arizona is not passed, the spouses, unmarried sons and daughters of permanent resident aliens is going to be reduced. So it seems to me that the Senator has clarified it. I apologize if I misquoted him because I thought he would vote to scratch the fifth preference. If I made a reference that he would scratch all the preferences, I apologize for that. But in essence what this bill is doing, what S. 358 is doing is limiting all of those preferences. Maybe what the Senator intended to do or wanted to do was to permit preference 1, 2 and 4 continued and just apply this so-called cap that we talk about to the fifth preference.

Mr. SIMPSON. Mr. President, Senator CRANSTON, who is also deeply involved because he represents the State of California, made a statement that family immigration would drop to zero. That was his statement. That is the whole position of Senators HATCH and DECONCINI. The only reason it will drop to zero is because we are giving the visas to the closest family members under this bill. I hope that everybody hears that. I really do not care a whit anymore on win or lose. I gave that up long ago. I just want people to hear. The only way it could ever drop to zero is because we are giving the visas to the closest family—spouses and children of citizens of the United States. Now, if that is not what it is all about, I missed something.

Mr. DECONCINI. Will the Senator yield for a question?

Mr. SIMPSON. Indeed.

Mr. DECONCINI. Is it not true, would the Senator from Wyoming agree, that under the present law, under S. 358, whatever the number of immediate family members apply, they are going to be granted visas? Is that correct?

Mr. SIMPSON. Immediate family.

Mr. DECONCINI. Immediate family.

Mr. SIMPSON. It is always uncounted.

Mr. DECONCINI. So they are going to come in.

Mr. SIMPSON. Sure.

Mr. DECONCINI. Assuming they continue to grow, as they grow, is it not true that this legislation, S. 358, limits these other preferences? Is that correct? As this continues to grow and should it reach 480,000 or more, then these other preferences would not exist; is that correct?

Mr. SIMPSON. Mr. President, we are talking about family-based immigration. That is what I keep hearing. That is our heritage. If that is our heritage, then let us do it. We do it pretty well right now, 480,000. The Senator is correct on those visas.

What we are talking about is spouses and children of citizens. Only if spouses and children of citizens take all of the available visas will the more distant family preferences be squeezed. We make 480,000 visas available for family.

Now, that is the way it is. All this bill provides is that 80 percent of all visas go to the closest family member. That is what we are doing. There is nothing sinister about it. If you are going to have family reunification, let us not have family reunions. Let us call it family reunification, and that is a spouse or a child. That is not your niece. It is not your brother-in-law.

That is where we are at this point, and that is what everybody seems to be missing in the emotion of the moment. If you are going to have to crunch numbers, then crunch the ones for nieces, nephews and in-laws. You do not crunch the numbers for spouses and children of citizens.

Now, if you do not want a limit, fine. Then you can go ahead and do this and have a rich time of it. I do not think the Congress of the United States will allow a bill to pass which says there shall be no limit on legal immigration into the United States. I do not believe that. We will find out.

I do not believe that. We will find out.

Mr. DECONCINI. Madam President, will the Senator yield?

Mr. SIMPSON. Yes.

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. DECONCINI. Let me point out from what the Senator from Wyoming says, and I think he will agree—I ask him if he does, and please speak up. I know he will. Right now there is no limit on immediate family. Does the Senator agree with that?

Mr. SIMPSON. That is correct.

Mr. DECONCINI. S. 358 does not change that.

Mr. SIMPSON. Right.

Mr. DECONCINI. That is correct.

What S. 358 does is, as the immediate family numbers grow they are reduced from these other preferences. Is that correct?

Mr. SIMPSON. That is correct, Madam President.

Mr. DECONCINI. I thank the Senator from Wyoming.

That is the essence right here. Do we want to jeopardize the other four preferences and literally eliminate them so that there are no unmarried adult sons and daughters of U.S. citizens able to come in? Is that what we want to do, because that is what we are doing. Do we want to stop spouses, unmarried sons and daughters of permanent resident aliens? They are here legally. They just have not applied for

citizenship. Maybe they will. They will be reduced. Do we want married sons and daughters of U.S. citizens not to be able to come in or to have fewer come in every year? That is what we are going to do. Then the fifth preference, brothers and sisters of adult U.S. citizens, because what the law is now, and what the law will be if S. 358 passes without this amendment. The immediate family relatives are going to continue to come in. That may grow; it may shrink. I suggest it is going to grow, and it is going to grow.

What this little neat piece of legislation before us does is puts a cap of 480,000. That 480,000 number says that when you meet that number, which we have not met yet on immediate family relatives, then you have no more of these preferences.

Madam President, Senator HATCH and I believe that is intolerable. That is why we are here trying to do something to correct it, and it is not going to do any great hardship to this legislation or any other legislation because what the amendment of the Senator from Utah does is say there is going to be a permanent minimum of 216,000 available every year. Every year there is going to be that many available to come in under these four preferences. Is that to much to ask? That is a cap in itself. You always are going to have at least that many. Until we get up to the 480,000, you are going to have a few more just like we did last year. Do we not want family members to come in? In my judgment, we do.

Mr. HATCH. Madam President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. DECONCINI. I would like to finish if the Senator does not mind.

This amendment ensures that family preference categories are going to be available, and that is what I want my colleagues to understand. That is why the Senator from Utah and I are opposing the amendment. He spent a lot of time, and I have, too. The Senator from Wyoming says we come from States with heat. Indeed, it was 118 degrees yesterday in Phoenix. That is a lot of heat. But also I come from a State that has a lot of people who have family members who may not be immediate family members who do not want to be wiped off the slate. This establishes a minimum of 216,000.

Under the Hatch amendment, no matter how many immediate relatives' visas are granted, we are going to have at least 216,000 of these family reunifications. We must decide whether we want to continue to grant family preference immigration visas or whether we want to risk eliminating them altogether.

We must remember as we debate the issue today, and if the House takes up this bill, S. 358 does not put a ceiling or a cap on legal immigration of immediate families. They are going to come in.

The Senator from Wyoming and the Senator from Massachusetts have not even thought of that, I do not believe. I am pleased with that. As long as the number of immediate relatives is not limited, and I agree it should not be, there is no ceiling on legal immigration under both the current law and S. 358.

If a million immediate members come in, that is how many is going to come in. But once it gets to 480,000 there are not going to be any more of these preferences—no more unmarried adult sons and daughters of U.S. citizens, no more spouses' unmarried sons and daughters of permanent resident aliens, no more married sons and daughters of U.S. citizens, and no more brothers and sisters of adult U.S. citizens.

So in fact the family preference category is going to disappear. That is what we are overseeing if we do not pass the Hatch amendment. If we pass this bill as is, we are here at a burial service. We are burying and putting away forever family preferences.

The Hatch-DeConcini amendment provides a very necessary safety valve and guarantees that family preference visas are going to remain at least at a minimal 216,000.

I yield the floor.

Mr. SIMPSON. Madam President, that is why I like getting into spirited discussion with my friend from Arizona. We do that in committee. We do that privately. And I respect him and enjoy his spirit and energy. I understand. I can hear what he is saying. But I think we are talking past each other. Let me verify that. I will agree totally that we have no limits on immediate family. That is the truth. That is the way that is.

We have immediate relative immigration that did not increase 7 percent for the last 2 years. Yet the GAO based its report on the presumption that it would increase by 7 percent. In 1987 it fell by 1,000 persons. In 1988, it grew by only 1 percent.

Thus, the GAO conclusion that the more distant family preference immigration would drop to zero is not consistent with the present situation at all. In fact, I think this is critical, I hope my friends will hear this, if I might direct their energy to this. Under this bill I cannot imagine how you could feel that we would be embarked on such a course when Senator KENNEDY, Senator SIMON, and I as three members of the subcommittee of diverse philosophical background would never be involved in that kind of sinister activity of closing off family immigration. It is so dramatic that it does not ring true. The President and the Congress under this bill, every 3 years, will be examining it, looking at the level of immigration, and making necessary revisions. That is what we will be doing.

Please hear this. There is not a single thing in this bill, and I hope the sponsor will hear this, that limits one whit any preference, not one. There is nothing in this bill, nothing, that limits any preference until the next report, and the next report will tell us what we should do. This bill is left with the total flexibility to handle every single number from every single preference that will come in, without question.

Mr. DECONCINI. Without question?

Mr. SIMPSON. Yes. I can say that is what is in this bill.

Mr. DECONCINI. If the Senator will yield, I will answer the question, because it does limit immigration.

Mr. SIMPSON. Please.

Mr. DECONCINI. The Senator is incorrect, in my opinion, because the mere fact that you have this report coming down the pike in 3 years does not mean that this Congress is going to pass anything that is going to raise any lmits or adjust the so-called 480,000 cap. What we are talking about here, in response to the Senator from Wyoming, is if next year there happens to be 480,000 immediate family relatives, you have limited these preferences—exactly what the Senator said he did not want to do.

Mr. HATCH. Madam President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Wyoming has the floor.

Mr. SIMPSON. I certainly yield for a question.

Mr. HATCH. With anything more than 264,000 for immediate family you are talking about a reduction of what the current law is. I know that the two Senators and the floor managers of this bill have operated in the utmost good faith in every way on this bill. I have total admiration for both of them. But I think the points made are very valid points. I think Senator DECONCINI made the point that you cannot guarantee we can adjust because of the mechanism within the bill if you rise over 264,000 immediate-family visas. So what we want to do is make sure the family reunification can take place.

As I understand it, the Senator from Wyoming said he could not understand the reason for the amendment. That was my impression. Well, the reason for the amendment is to protect family reunification under the preference categories. That is plain and simple. S. 358 offsets, I think, is a threat to such family reunification.

Yes, if the current situation stayed static, I suspect the Senator from Wyoming's position could not be refuted, but it does not stay static. The GAO makes it clear that it will not stay static, and that we are going to by 1999, have zero preference categories

visas. So the bill's currently operated provisions do not solve that problem in the future. That is what this amendment will do.

This amendment will prevent that type of a result. No one's hands are tied. The President and the Congress can change the 480,000 cap, and they can change the 216,000 floor under this amendment, at any time that they want to. I think it is better to do it this way than the way in the bill.

Mr. KENNEDY. Will the Senator yield for a question?

Mr. SIMPSON. I just want to say to my friends from Arizona and Utah that that is why we built in 44,000 new numbers into this bill, to take care of just exactly what you are speaking of, because only the most extraordinary activity would ever raise it any further than what we have built in. I yield to my friend.

Mr. KENNEDY. I would just like to make sure that the Senate has some understanding of what the current situation under family preference is.

The PRESIDING OFFICER. Will the Senator from Massachusetts withhold? Are you withholding?

Mr. KENNEDY. I would like to ask the Senator a brief question. Is his understanding the same as mine, that under the existing family preferences, which have been referred to, there is not a guarantee to all those preferences that they are going to get in here? I mean, it has been suggested that we have all these preferences out there, and if we do not take this amendment, you are going to have a lot of problems in these particular categories.

Madam President, in the second preference, that is spouses and children of residents, you wait 8 years today for that. We are trying not to double that number, so that as a result of the amnesty program, when you are permitting those individuals, some 3 million, who want to bring their families, their wives and children, who are residents and today have to wait 8 years, will not wait 16 years.

You know, you can cut this about whatever way you want to in terms of the families. I would go for a broader kind of a program, and the Senator from Wyoming, a more constricted one. The one concern that has been expressed here, we have addressed, Madam President, and the Senator has gone through. We put in the record what the past history has been, what the flow has been, the best information. But it is important, Madam President, to recognize that with these existing preferences now, the second preference, and the fourth preference, married sons and daughters of United States citizens is 8 years, if you are from Mexico.

We tried to build those numbers up so they will not wait that long. So unless, as the Senator from Wyoming has pointed out, you want to completely open unrestricted policy, which maybe some of us would go along with, I think probably the assessment of the Senator from Wyoming that this body is not prepared to do it, you are going to have to make some judgments and calls on it, but do not elude yourself by thinking because you are in the family preference category, you are unable to get in here. Some are not; some are. The first preference is that you are. But you are certainly not in the fifth preference, as I pointed out. You wait for 15 years, if you are from some countries, and today you are going to be waiting in the fourth preference, which are married sons and daughters. The second preference is spouse and children of residents.

Now, if we have increased that by 40,000, if we have accepted the amendment of the Senator from Utah, which is going to have this rolling cap, Madam President, we are not going to get the legislation. And make no mistake about it, you are not going to get the increase in those family preferences. You are just not going to get it. It is not there. I would like to have it, but it is not there. That is a hard, cold political reality. These are some of the balances.

I want to just join in support of the point the Senator from Wyoming has made, because these are tough difficult choices. We have debated and discussed and had some differences, whether to give a faster track for small children. Then I think a credible argument is to extend it to nuclear families, so we went for that. I, quite frankly, think you could go, as I mentioned, either way on that—at least I could. You would rather do for the families that are going to be impacted. I take their advice. But you are making tough and difficult judgments and choices, unless it is the will of this body just to throw the whole door wide open; and as one who has been involved in this issue, that is not where it is. We are always caught between those who wanted a more expansive program, and I have been proud to be associated with that group in the past. There is another group who feel that we need to have more restraint because of a wide variety of difficult implications, such as the burden on the tax system, housing, adequate education programs, and all the rest. This, I think, is why we have reached this kind of resoluton.

I ask the Senator from Wyoming, does the Senator not agree with me that even though there are these other preferences, that that does not guarantee that if you fall into that preference, you are getting in here. Would you not agree with me that with the acceptance of this total package, that we are going to reduce, hopefully, in an important way, the reunification of many families?

Mr. SIMPSON. Madam President, I agree totally with my friend from Massachusetts, the Senator that has been working on the issue for 27 years. I find that people come here and begin to talk about the preference system, and they do not know what it is. Like our quota system—how many countries are there, 168, and we have 270,000 numbers to divide among them for legal immigration.

These are things that make me wish I had never gotten involved in this stuff, because you can pick up the New York Times or the Washington Post or the Cody Enterprise, and they will take an article on refugees, and before you are through, they will call them immigrants. If nobody understands that, then TED KENNEDY and I will never get anywhere, along with our friend from Illinois. That is the problem.

If you are going to have a bill and raise the family numbers like we did by almost a fourth, it is unheard of—at least in the last 50 years. I do not know if it will sell, but if we are going to do that; then we think—maybe misguidedly—that 80 percent of all of those visas should go to the closest family member. Now, if anyone really wants to get in and argue that, I would love to hear it.

I see Senator DECONCINI is not in the Chamber, but I want to ask him and Senator HATCH a very simple question. It seems to me the Senators are really asking one thing only. They must want unlimited immigration into the United States, and I would like the answer to that question from both of the participants in the amendment.

Mr. BOSCHWITZ addressed the Chair.

Mr. SIMPSON. I think I have the floor. I would like to hear the response of the two Senators, and then I will be happy to yield to my friend from Minnesota.

Mr. HATCH. Will the Senator yield?

Mr. SIMPSON. I asked a question of my colleague.

The PRESIDING OFFICER. Will the Senator withhold? The Senator from Wyoming has the floor.

Mr. SIMPSON. I would like to have a response to the question, and I will then yield to my friend from Minnesota.

Mr. HATCH. Are you yielding to me?

Mr. SIMPSON. I would like to have your response.

Mr. HATCH. I appreciate the question of the distinguished Senator from Wyoming. I do not believe that we need to know the number of actual immigrants each year at the expense of family-connection preference immigration. I do not believe that we need to know the actual—or excuse me, I do not believe that we need to set an annual number, if it means that we

are going to cut the current level of current family preference consideration drastically, which GAO says we will do by 1999, to zero. I have no problem with uncapped immediate family immigration and a set number each year of family-connection preference immigration.

We have had that system for some time now and it has worked well and families benefited. I believe in family reunification. If I understand my friends and colleagues from Wyoming and Massachusetts, they do, also.

So I think it is important and it reflects traditional American values.

I note that even under S. 358, we are never completely sure how many people come into the country, although I recognize it is unlikely to occur in a short period of time in theory.

If immediate family relative immigration ever begins to exceed 480,000 we will not know how many family immigrants will enter the country because immediate family immigration remains uncapped. So there is no way we will know anyway.

So I think that answers the distinguished Senator's question.

Mr. SIMPSON. Madam President, it seems to me that what the sponsors of the amendment are proposing is that we never say "no" to a person who has a family member in the United States. That is the only way I can read this.

We have limits now, and people wait for decades. There are 2 million of them out there under present law who are not being serviced, and our bill tries to make more rational the application of those limits.

We are trying to be responsible in distributing the necessarily limited visas to the closest family members. That is what this "sinister" approach is. It is not meanspirited, unless you want unlimited immigration.

If that is the case, then let us call it that and have an up or down vote.

I yield to my friend from Illinois.

Mr. SIMON. Madam President, if my colleague will yield, first in this compromise in this complicated area, what we have done is to increase numbers for family preference by 22 percent without this amendment and then we will face in the next 4, 4½, or 5 years, because of the amnesty program, a brand new problem that no one here has any idea what is going to happen. No one does.

We are saying 3 years from now let us review it. That is what the bill calls for right now. That seems to me to make an awful lot of sense.

I hope our colleagues will listen as we try to get that point across.

I thank my colleague from Wyoming for yielding.

Mr. SIMPSON. I thank my friend from Illinois who has come into this activity with good grace and good humor, learned and participated in it, and knows already how you do combat for 2 or 3 days on the floor every time one comes up.

Honestly, I hope I am not being self-effacing or anything else, I really do not care if you win or lose as long as you understand what we are doing. Again, that is my only hope as I legislate.

I yield to my friend from Minnesota.

The PRESIDING OFFICER. Does the Senator from Wyoming choose to continue to hold the floor and thereby continue this rather lively discussion through yielding, or does he want the Senators to be able to seek time in their own recognition?

Normally Senators yield for the purpose of a question. However, this has been a situation where I think elasticity is called for.

Mr. SIMPSON. Madam President, I do not intend to try to dominate the debate. I think my friend from Minnesota was asking a question. If that is so, I will try to accept it. If not, I will yield the floor to him at this point. I think I am nearly through.

Mr. BOSCHWITZ. Madam President, I will seek recognition in my own right.

Mr. SIMPSON. Then let me not end but just make a couple of comments and then yield to my friend.

The philosophy of this bill is, as I have said, trying to increase immigration and set a specific level of immigration. We do not call it a cap. It is a national level of immigration. This amendment here takes us back to current law on national level.

If we go back to current law in the second preference of immediate family of aliens, then family visas there would be reduced. Senator KENNEDY made the point to get the more visas that S. 358 provides, a specific national level must be set. The amendment upsets that balance without question, and I think it is just important if you win, lose or draw that you just hear one thing. All we are saying is if you are going to have a national level of immigration then something is going to get squeezed obviously. If you do not want a national level of immigration, then this amendment is what you should gravitate toward. It will help reach that.

I just do not believe that people are really able to sell that back in the old home district that you want an amendment or a bill that will provide for unlimited immigration because that is where you are headed with this amendment, and everything that shows up in my mail room seems to indicate the American people do not want that.

All we are saying is if the squeeze comes, then why not do what everyone in this room would want to do. First take care of reuniting spouses and children, not taking a number away for someone who wants to be reunited with their brother-in-law and take that number away from someone who wants to be reunited with their spouse or their minor child.

I yield the floor.

Mr. LEVIN. Mr. President, I rise today in support of the Hatch-DeConcini amendment to S. 358.

By creating a guarantee of 216,000 visas for family preference immigration, the Hatch-DeConcini amendment helps to ensure that the principle of family reunification will continue to guide our immigration policy. We are all concerned about maintaining some form of control over our immigration policy. However, that control should not be at the expense of family reunification.

While S. 358 would continue to allow unlimited immediate relative admissions, visas for other close family members could be reduced. I oppose this reduction and I urge passage of the Hatch-DeConcini amendment.

The PRESIDING OFFICER (Mr. SANFORD). The Senator from California.

Mr. WILSON. Mr. President, I will not take a great deal of time, not as much as I intended originally to take, because this has been a very good debate, one of the better that I have head on one of the more difficult subjects.

I commend the Senator from Wyoming. He has labored long and hard in what is not a vineyard but a very rocky, thorny place, and he has done so most of the time with his characteristic good humor. This is the kind of subject that would try the patience of a saint.

I must say that this whole business of immigration could perhaps best be equated to the problem that faced a Solomon in really having to decide a very critical family matter.

Many times this afternoon my friend from Wyoming has asked the question, quite appropriately, who wants to suggest that in terms of giving preference on immigration to family-connected members that we should give preference to a brother or to an unmarried adult son as opposed to immediate family members, the spouse, the parents, or the minor children of a U.S. citizen?

The fact of the matter is those are very difficult choices for families themselves to make.

In some cases, I will tell him, in my home State immigrant families have decided that really in order of the benefit that would be derived, it might make more sense for the younger adult brother to come than for the father.

Those are painful decisions. Sometimes thay are dictated by economics, by stitutions that have to do with matters that relate to the ability to bring that family member to the United

States, wholly apart from what the immigration law provides.

I do not know that we are, any of us, wise enough to prescribe a generalized prescription that will do perfect equity in every case.

But the fact of the matter is to anyone listening to this very good debate this afternoon, I think it has become clear that the concern that has generated this amendment is one that is completely bona fide.

My friend from Wyoming has repeatedly said that in my State and in other States where there are large immigrant populations there is intense heat generated by this entire question of immigration. He is right, if by "heat" he means intense emotion. People feel intensely emotional about their families; about their children, God knows; about their spouses, of course; about parents and about other family members not within that category of immediate relative.

There is intense emotion felt. There is love. There is a desire to bring to this Nation with all that it offers those in one's family who are beloved, who in many cases have waited long and patiently who are in the category of the fifth preference and in many cases do not have a very good chance. We are talking about family reunification.

In some instances, the wait is so long that it would seem more accurate to call it ancestor reunification in terms of their prospects of getting here in time to be reunited with their family.

But what is clear is that those who have proposed this amendment have done so precisely because they feel that the answer to the question posed by our friend from Wyoming—should we pit one group of family-related immigrants against another?—is that this cap, which he does not call it, will do precisely that. Because what their amendment proposes is to set a floor on the number of immigrants who can come into the country who do not fall into the category of immediate relatives, and they do so as you have heard repeatedly this afternoon because the projection is that without this amendment the General Accounting Office sees that by 1999 there will be a squeeze indeed and in fact the level of immigration for family-connected members other than the immediate family, other than the minor children, the spouses and the parents, will have dropped to zero because all others will have been crowded out by the immediate relatives.

I think what has been established is that the likelihood under review at almost any time in the future is that immediate relatives, immediate family members, are probably going to be accommodated. The question is to what extent are we going to allow into the country those other family members who are not minor children, spouses, or parents? And the answer it seems clear to me is that the whole purpose of this legislation is to set a limit, and indeed very candidly the Senator from Wyoming has stated that that is the purpose, that that will be the effect.

What you have in the Hatch-DeConcini amendment is a common sense and humane effort to see to it that as we seek to accommodate those immediate family members, those immediate relatives, we also provide a sufficient compartment in that immigration liner coming to us that it will be able to accommodate some of the others. And the number that they have selected, 216,000, happens to be the number that reflects that kind of immigration last year.

What we do know is that we can expect, according to every source, that the number of immediate relatives will grow and that as it grows there will be a corresponding reduction unless, of course, this amendment is adopted and provides for that floor. Without it the prospect, everyone seems to agree, is that finally as the number of immediate family members increases in immigration to this Nation the number that is available through these other preferences, the second, the third, the fifth, is going to correspondingly be reduced.

That is very simply stated what this amendment is all about. I think that it is a wise amendment. I think that we would be unwise, I think that we would be arrogating to ourselves the power of a Solomon. If we find these decisions difficult, I tell you that the families themselves find them difficult. I do not think that they will thank us for simplifying the choice for them. They are not asking us to do this. To the contrary, let us not impose upon them a parameter that they have not sought and that does not exist in current law.

Family reunification is a concern not just with respect to the minor children, the spouses, the parents. It does involve brothers and sisters. It does involve other members of the family. And that has certainly been the experience in my State.

So I would say, with the greatest respect in the world for the extraordinary service provided by my friend, the Senator from Wyoming, who is motivated both by a genuine concern for his country and by what he feels, to be fairness, that, respectfully, those of us who support this amendment disagree to the extent that we feel that fairness requires that there be allocated to other family members than the immediate relatives a floor that will protect their immigration. Without that floor, without this amendment, we see them by the turn of the century no longer able to come to this Nation.

One of the things in this great American ambivalence to immigration is that when we get here, those of us who are the sons and daughters of immigrants, many times we feel it is time to haul up the ladder. It is true that no nation can lose control of its borders, though I have to tell you that I think that we have in certain respects and they are obvious. But what is also true is that in every generation, this Nation has received an incredible infusion of energy and brains and guts and drive that has made this Nation the richest and strongest and the best in the world because our richest resource has been our people and in many cases some of the very newest Americans, the most recent arrivals.

So I will simply say to you that I think that we should continue a wise policy of immigration that permits us to continue to benefit in that fashion. It is in the tradition of this Nation. I would simply say that this amendment is fair. It seeks equity as many of us think it is required to be practiced so that we do not too narrowly define the favored class in family reunification.

Mr. President, I thank the Chair and yield the floor.

Mr. GRAMM. Mr. President, listening to my dear colleague from California reminded me of that joke that Smirnoff, the new American, ex-Soviet comedian, said about how the day he was sworn in as a new citizen, immediately he had this deep concern well up in his bosom about all these foreigners.

There is a conflict here, Mr. President. We hear it in what our dear colleague from Wyoming says. The conflict is between a number and a principle. The number of 600,000. The number was developed by our dear colleague from Massachusetts and our dear colleague from Wyoming. It did not come down from Mount Olympus. It was developed by this committee. The principle is a principle of family unification.

It seems to me that the amendment of the Senator from Utah is a pretty straightforward, simple, fair amendment. It says, starting out with a formula of this bill, you start out with family preference of 480,000 people. Then you subtract the number of immediate family members that come.

Now, the concern of the distinguished Senator from Utah is that pretty quickly, what is left is going to be nothing. So he says that when the number has gotten down to 216,000, that it will go no lower. The Senator from Wyoming says, "But that violates the number of 600,000."

Mr. President, we have a conflict between a number that did not come from God and a principle of family unification. We have a choice between a number and a principle—a principle that is vitally important as people love their kinfolk. They come to America seeking freedom and opportunity.

They achieve it here. They want to bring their relatives here to share in that freedom.

So what Senator Hatch simply says is that at a point at which subtracting the number of immediate relatives leaves only 216,000 visas for family sponsored immigrants, it will not subtract further. The objection to that is not that that is an unreasonable number. The objection is that it violates the 600,000 cap. Given a choice between an arbitrary number and a principle of family reunification, I find myself on the side of the family reunification.

Finally, Mr. President, let me say that this magical number would have more meaning to me if it were not for the fact that we have seen that number of people are coming into the country illegally every year.

We have tremendous illegal immigration in this country which has not been stopped and yet we are here setting up arbitrary limits that prevent people who came here legally, who have been successful, who have achieved the American dream, from bringing their kinfolk to America.

I do not think that is right. I do not think it makes any sense. And I do not think that this is a very bold or daring amendment in terms of doing injustice to the bill before us. I think it is a simple, straightforward amendment. It says that when you reach the point of only 216,000 people left to come in under family preference, after you take out the immediate family, you do not let it go any lower.

If that means that you go above 600,000 in the total, so be it. That is ultimately the debate.

I am sure people listening to our colleague from Wyoming think that there is some kind of inherent inconsistency in the amendment and the bill. But the real problem is this cap, and I think the amendment that is proposed is reasonable and modest, and I think it ought to be adopted, and I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. Mr. President, I thank my friend from Texas because he put it so succinctly well. I would like to point out to my friend, the Senator from Wyoming, that some of his statements are a little bit misleading, if I may say so. He talks about brothers-in-law. The bill does not mention brothers-in-law. He spoke earlier about nieces and nephews. This bill and the present immigration law does not speak about nieces and nephews. He talks about an unlimited immigration. Well, there is unlimited immigration, in a sense, under the present law. Immediate family members do come in in unlimited numbers.

As I understand the bill that is now being proposed by the Senator from Wyoming and the Senator from Massachusetts, that would not be changed. Immediate family—minor children, parents, and spouses of U.S. citizens—continue to come into this country without numerical limit. If, however, immediate relatives, come in very large numbers, they begin to push out brothers and sisters and other relatives who are not quite as immediate.

What the pending amendment says is that 216,000 of those not-so-immediate relatives should come in no matter how many immediate relatives come in. And I support this amendment of the Senator from Arizona and the Senator from Utah.

The Senator from Wyoming says that the Congress and the President are going to review this every 3 years. But I did not see in this bill any assurance that the Congress was going to act on this matter every 3 years.

Unlimited immigration, Mr. President? This bill would allow one-fourth of 1 percent of the American people to come in each year: 600,000 people is approximately one-fourth of 1 percent of the American people. At the time of the largest and most rapid economic growth in this country, 3 or 4 percent of the population was coming in as immigrants each year.

People say that immigrants are going to take away jobs. But the period of fastest job growth in relation to the population came at the time when the most immigrants in relation to the population came in.

This is not an amendment that asks for unlimited immigration, especially by historical standards. It is not an amendment that, in the words of the Senator from Wyoming, says: Never say no, to use his exact phrase. Rather, it allows all immediate relatives of U.S. citizens to come in—just as under the present law, and just as under the bill he proposes. But, in addition to that, 216,000 relatives who belong to other family categories, can also come in.

As a matter of fact, immediate family of permanent legal residents would be turned back in the event that the amendment were not adopted. That's because these immediate relatives fall under the second preference.

All of these preferences, Mr. President, are very confusing to understand. That's why put together this chart.

There is a first, second, fourth, and fifth preference that applies to families, but immediate family come outside of the preferences. Those folks can simply come in without limit. Immediate family, again, are mother and father, spouse, and minor children.

The first preference is adult, unmarried children of U.S. citizens; 54,000 of them come in under the present law. This bill reduces that to 23,400. But that is not too bad, even though there is a reduction, because the actual number that came in was 12,107, as you see.

The second preference is the immediate family not of citizens, but of legal permanent residents. That is the preference that the Senator from Wyoming says is often a 12-year wait and which, under the formula as established in the bill, he raises to 148,000. I compliment him for doing so.

Let me just say, if we look at this chart, all the family preferences taken together, add up to this figure of 216,000 that we are talking about.

The fourth preference is married adult children of U.S. citizens, and only that child. If a married adult child wants to bring his wife, let us say, and minor children, he has to get here first himself.

The fifth preference is the siblings, or the brothers and sisters of U.S. citizens. And, in this area, the Senator from Wyoming points out that in the case of the Philippines, the wait is 50 years.

So what this amendment says is that the immediate family of U.S. citizens can still come into this country in unlimited numbers. I believe that is the way it should be. But let's not forget the other relatives.

As the Senator from Texas says, once people get here to the United States and have an opportunity to enjoy the freedoms of the United States, they want to bring, as he says, their kinfolk. That, of course, is first the immediate family: the children, the minor children, the mother and the father, and the spouse. They do not count toward any limitation under the existing law.

However, under the proposed bill, S. 358, immediate relatives cut into these other preferences. What the Senator from Arizona and what the Senator from Utah are saying is that immediate relatives of U.S. citizens should not count against these preferences.

As the Senator from Illinois has pointed out, the immediate relatives, the numbers will climb, soon, within the next 6, 8, 10 years. And the result is that they will climb so high that under this bill they will squeeze out all of these other preferences. Mothers will squeeze out their sons. In other words, a mother who is brought here by a U.S. citizen will squeeze out her other children. Mothers will squeeze out brothers and sisters, and that really is not the way we want to go.

So I think that the Senator from Arizona and the Senator from Utah are, indeed, on the right track. I think that we do, indeed, have to support this amendment.

My concern about the bill is really related to this area of family preference immigration. The Senator from Wyoming talks about limitations on the fifth preference, that there are too many years of waiting under this

category. I will, therefore, offer amendments either tonight or tomorrow, as time permits, to increase the fifth preference so that we can have more brothers and sisters come into this country.

The Senator from Wyoming is correct that the mail runs against the idea of bringing in new immigrants; that many people think that jobs are going to be taken by these immigrants, and they feel threatened by that. I think the entire experience of the United States has been that immigrants create jobs; that immigrants by and large come to this country with nothing and they come as the greatest consumers of all. For that reason they do, indeed, create jobs.

Again, Mr. President, during the time when we had the greatest job growth as a percentage of population, when we had the fastest economic growth—the industrial revolution—this country experienced its heaviest immigrant flow. I would suspect that most of the grandfathers, great grandfathers and grandmothers of the Members of this body came during that period of time. That is what we are trying to recreate with this bill, to open the shores of this country because this country alone is a country of immigrants.

So I say to my good friend from Wyoming that we are not talking about unlimited immigration. Not at all. We are talking about guaranteeing that 216,000 people, in addition to immediate family members of American citizens, can be reunited with their family in the United States.

This is an amendment that does not necessarily increase, but might increase immigrant flow into this country by as much as 216,000 people a year.

I will have more to say about it later, but I hope that the Senate will consider this amendment and act favorably on this amendment as it should. I yield the floor.

Mr. SIMPSON. Mr. President, I understand on each occasion when we deal with immigration and refugee issues, and my friend from Minnesota, known affectionately of old No. 43, because I am No. 44, and he has never let me forget that, in our seniority ratings that is, of course. I did not know he paid that close attention, but he continues to bring it up, puts it on papers, slips it under the door. He does have me by 1 day seniority.

He is one of my loveliest friends in this place. His intent and his intentions are so authentic because he fled Nazi Germany and at the age of 5 was a refugee, a true refugee. Had he stayed or his parents, they would have been killed. They could not get visas here and they could not get visas there and they went to Poland and went to England and went to other countries and finally got here. He was 5 years old at that time. He is the only man in the body who cannot be President of the United States because he was born in Germany.

When my friend RUDY BOSCHWITZ speaks on this issue, he comes from a place of passion that I could never even imagine. So he does gravitate to these issues.

But let me say, as he said some of my statements might be, I think the word he used is misleading and he uses that in the debate sense. I like that. But I can tell my friend that if he will look again at the current law, the fifth preference today allows brothers and sisters and their family of U.S. citizens to immigrate. Under the fifth preference, 64,800 immigrants are admitted annually. Less than a third of those visas goes to brothers or sisters of citizens and two-thirds go to brothers-in-law, sisters-in-law, nieces and nephews. I will be glad to present those and will print those in the RECORD.

Those are the figures. I am not making them up. That is why I am talking about brothers-in-law and sisters-in-law and nieces and nephews.

I am saying only this: Unless you want unlimited immigration, and perhaps that is the vote we ought to just put to the body. Somebody should make the amendment that we want unlimited immigration into the United States.

I do not think that would pass. If it did, why, I do not think it would stay on the books very long. I guess that is what I could say.

But in the event that it came up, I do not think it would pass. Therefore, what limits should we have? I can tell you that I have never felt like bringing something down from Mount Olympus. I think that mountain in the Li'l Abner comic strip where the man used to hide with the kickapoo joy juice is how I feel about this. I can assure you we came up; we did not come down Mount Olympus, we went up 22 percent, an unheard of activity in the history of immigration reform.

There is no other way to describe a brother's wife than being a sister-in-law, and the brother's children are nieces and nephews, and that is the way it is. All of these people enjoy petitioning rights under current law.

Senator BOSCHWITZ, and I think it is important he hear this, stated he does not see where Congress is required to act every 3 years. Let me address him to the bill. S. 358, page 80, "The President shall transmit such determination to the Congress by not later than March 31 before the fiscal year involved." I think I am going to wait until my friend is able to hear my remarks because I do not want to catch him off guard.

Mr. BOSCHWITZ. Will the Senator repeat that?

Mr. SIMPSON. I shall. Senator BOSCHWITZ, Mr. President, has stated that he does not see anywhere where Congress is required to act every 3 years. I am citing and quoting from S. 358, the bill before us today in our discussions, page 80 stating that "The President shall transmit such determination to the Congress by not later than March 31 before the fiscal year involved and shall deliver such determination to both Houses of Congress on the same day and while each House is in session." The President must act.

And then if you would please go to page 83 of the bill it states, "No later than the first day of session following the day on which a determination is transmitted to the House of Representatives and to the Senate under paragraph (2), * * * a joint resolution (as defined in paragraph (5)) in respect to each such change shall be introduced (by request) in each House by the chairman of the Committee on the Judiciary of that House, or by a Member or Members of the House designated by such chairman."

That is the language. I do not know how it could be any clearer. The President is required to recommend a change every 3 years and, if necessary, the level of immigration.

Mr. BOSCHWITZ. Is the President required to recommend the change or to report? And is the Congress required to act only if he recommends the change?

Mr. SIMPSON. It is stated at page 80 of the bill, the President shall, and other conditions, after soliciting the views of the members of the Committees on the Judiciary of the House of Representatives and of the Senate determine whether or not the number specified in the section of the law should be changed for any fiscal year of the 3 fiscal year periods beginning with the next fiscal year and transmit that for determination. He shall transmit such determination to the Congress. I have read that previously. If the recommendation is a 5-percent increase or decrease, it can take effect without congressional approval, without congressional action. If more than a 5-percent increase is recommended, the Congress must act and then expedited procedures are set.

Mr. BOSCHWITZ. If the Senator will yield, I thank the Senator. Congress need not act unless the President recommends that change. I believe in what I said. I said that the President must report but the Congress must not necessarily act.

Mr. SIMPSON. That, Mr. President, is not correct. I would not leave my colleagues to believe that it is. S. 358 would mandate that Congress act in response if only one person raised the finger or objects to the President's recommendation. Senator BOSCHWITZ would be able to require us to act. I would be able to require us to act. And I am sure that he would and I would if

it were inimicable to our interests. But that is the way it is drafted. It is here. There is nothing more I can add. It would be repetitive and dull-witted to put this portion of the bill in the RECORD. It is already there. There it is.

Mr. BOSCHWITZ. If the Senator will yield, this says that in the event that the President makes a recommendation—as I understand this bill—in the event that the President makes a recommendation for a change that exceeds 5 percent, then the Senate or the House, Congress must act. But in the event that you make the recommendation for no change, though he must report, the Congress need not act. The Congress, of course, can act at any time in any event if it wants to change this law.

Mr. SIMPSON. Mr. President, I think I have cited what is the critical part of this legislation. Shall determine whether or not the number specified in subsection (c)(1)(A) or the number specified in subsection (d)(1)(A) should be changed for any fiscal year. That is whether or not. I do not know what more to detail on that. I did say this. Any Member can trigger "the President shall." The language is clear in paragraph 2 on page 80, clearer yet as to the increase or decrease of 5 percent, clearer yet if the increase is recommended Congress must act, clearer yet about the joint resolution, clearer yet that it be done by a member or Members of the House as designated by the chairman. I do not know what more I can add. I am not trying to be evasive.

Mr. BOSCHWITZ. Will the Senator yield for a question? In the event that the President makes a recommendation of no change, does the Congress have to act? Yes or no.

Mr. SIMPSON. It has to introduce the joint resolution, obviously. That is what it says. It says they shall. And then on to page 82. Go from 80 to page 82.

Mr. DECONCINI. Will the Senator from Wyoming yield for a question on that subject matter? If it says they shall introduce a resolution, does that mean that they have to act? Does that mean that they have to bring it to the floor and vote on it?

Mr. SIMPSON. That is correct. Then there are expedited procedures under that provision which are quite detailed. In fact, it tells about the debate on page 83, 84, 85.

Mr. DECONCINI. If the Senator will yield for another question, what if the President should decide to reduce the number by, say, less than 5 percent, to be roughly 24,000, 23,999. Then what happens? Must the Congress proceed and shall they introduce and go through the expedited procedure?

Mr. SIMPSON. Mr. President, it takes one Member of either body to do just that.

Mr. DECONCINI. So the answer is yes.

Mr. SIMPSON. Yes. That is correct. That is correct.

Mr. BOSCHWITZ. May I ask another question? As I read this subsection on page 83, it says if the President no later than the first day of session following the day on which determination is transmitted to the House and Senate under paragraph (2), which determination—that is what the President sends over—provides for a change in the number specified. Let us presume that it does not provide for a change as I have suggested. Then as I read this the joint resolution is not required. However, if one Senator wants to do something, I presume he could do something about this at any time—an amendment on any bill that comes before us, but I do not think this requires us to act.

I wonder if the Senator would address the never-say-no, the unlimited immigration the Senator was speaking about and why this amendment provides for unlimited immigration or why it is a never-say-no amendment, because I certainly do not read it as such.

Mr. SIMPSON. Mr. President, I said it was a never-say-no amendment to somebody who had relatives in the United States. That is what I said. And I want that quite clear. That is what I did say and that is what it is. There is no question about it.

Mr. BOSCHWITZ. Is the Senator talking about immediate family?

Mr. SIMPSON. I am talking about those relatives in the United States.

Mr. BOSCHWITZ. Immediate family.

Mr. SIMPSON. Immediate family come in unnumbered. Preferences come in numbered. Preferences are not filled. All those things come about and people then petition.

Mr. BOSCHWITZ. This is not a never-say-no amendment.

Mr. SIMPSON. I describe it as that. I share with my colleague that I describe it as that. May I say, Mr. President, if this is not sufficient clarification for anyone, I would certainly entertain an amendment to make it clearer that the Congress must act no matter what is in the determination, whether it is a selection to go up or down. That is the purpose of what we have put in here. If it is not that clear, I would certainly entertain an amendment to clarify it. I thought it was.

Mr. BOSCHWITZ. Mr. President, has the Senator from Wyoming yielded?

Mr. SIMPSON. I would like to conclude my remarks. Senator WILSON asked one of the critical questions of the debate in my mind. He said should we pit one group of immigrants against another. That is what he said. In the ideal world we would not and we would never. But let me tell you, ladies and gentlemen, in the real world right now, today, 2 million people are waiting in line for 270,000 visas. That is what is happening today, family and independent allocated in present law, current law. Given this reality and given the fact that visa demand cannot be ever matched by the supply of U.S. visas, I believe we must make some terribly difficult but necessary choices, and those choices are closer family members must be admitted before those more distant members are admitted, and by that I mean brothers and sisters-in-law and nieces and nephews.

And two, we must admit more skilled independent immigrants because our system of legal immigration has been overwhelmed by family reunification which was never the intention. We have two areas of the world that send 85 percent of legal immigration to areas of the world, and we have come away from what is known and left us with positions of adversely affected countries. That is what has happened to it. So I say we must admit more of those. That is what this bill does.

If we continue current law, and if we support the Hatch-DeConcini amendment, we have avoided making the very difficult choices. You may be assured that you have just stepped away from anything to address the issue.

I think it would be a terrible misnomer to say that this amendment is a bold statement, and an innovative and creative thing because all it does is play chicken because all it does is put us right back where we are today. Surely, no one wants to continue that with those kind of backlogs. It is not a creative thing. It is a something which is simply an escape, a failure to deal honestly with a tough, tough, tough issue. Until we do, it will never get resolved. Let us not call it "creative" or "innovative." Let us just call it "you ducked."

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, I would like to move to a vote, and I ask for the yeas and nays on the Hatch amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DECONCINI. Mr. President, I think the debate has gone on too long probably for everybody. I am not going to prolong it for more than 1 more minute. I think it is important to remember what has made immigration so important to this country, what has made this country so important to the world, is the fact that families have an opportunity to be united here, and that the Hatch amendment before us

tonight just ensures that is going to continue at a bare minimum.

I hope my colleagues will support it.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. BOSCHWITZ. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have.

Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Utah. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Indiana [Mr. COATS] is necessarily absent.

The PRESIDING OFFICER Mr. FORD). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 62, nays 36, as follows:

[Rollcall Vote No. 109 Leg.]

YEAS—62

Adams	Gore	McConnell
Bingaman	Gorton	Metzenbaum
Boren	Graham	Mikulski
Boschwitz	Gramm	Nickles
Bradley	Harkin	Nunn
Breaux	Hatch	Packwood
Bryan	Hatfield	Pell
Bumpers	Heflin	Pryor
Burdick	Heinz	Reid
Chafee	Jeffords	Riegle
Conrad	Kasten	Robb
Cranston	Kerrey	Sanford
D'Amato	Kerry	Sarbanes
Daschle	Kohl	Specter
DeConcini	Lautenberg	Stevens
Dixon	Leahy	Symms
Domenici	Levin	Wallop
Durenberger	Lieberman	Warner
Fowler	Mack	Wilson
Garn	McCain	Wirth
Glenn	McClure	

NAYS—36

Armstrong	Exon	Mitchell
Baucus	Ford	Moynihan
Bentsen	Grassley	Murkowski
Biden	Helms	Pressler
Bond	Hollings	Rockefeller
Burns	Humphrey	Roth
Byrd	Inouye	Rudman
Cochran	Johnston	Sasser
Cohen	Kassebaum	Shelby
Danforth	Kennedy	Simon
Dodd	Lott	Simpson
Dole	Lugar	Thurmond

NOT VOTING—2

Coats Matsunaga

So the amendment (No. 238) was agreed to.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GRAMM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MOYNIHAN. Mr. President, I was pleased to join Senator KENNEDY as a cosponsor of the Immigration Act of 1989, S. 358.

This bill creates two separate immigrant visa preference systems: One for family members; another for independent immigrants. Although the legislation continues to stress family reunification and in fact does much to streamline the existing system, it also recognizes that the United States requires skilled immigrants. To accomplish both these goals, 120,000 visas will be reserved for independent immigrants, that is, for persons of exceptional merit or with needed skills. Of these 120,000 visas, 54,000 will be distributed according to a point system which will award points for levels of education, occupational demand, and occupational experience. The cumbersome individual labor certification requirement is eliminated for these visas.

At present, over 90 percent of the visas issued today are family related. Those seeking visas under the nonpreference category have little chance. However, this legislation changes that, and the new category established is expected to benefit individuals from Western European countries such as Ireland, Italy, and others that were earlier sources of immigration to this country, but which have been effectively shut out due to the strict preference system currently in place.

This legislation seeks to inject fairness into our immigration laws. Traditionally, apart from the Chinese Exclusion Act of the late 19th century we did little to regulate immigration to this country at all. That is until 1924 when we enacted the National Origins law that had in mind keeping the United States exactly as it once had been. It set national origin quotas on the basis of the 1890 census, was pro-Northern European, pro-Western Europe, and openly so. This was nativist legislation, though some of the natives were not very welcome when they arrived.

The 1965 Immigration and Nationality Act amendments were a direct response to this nativist legislation and attempted to undo that earlier bias. The 1965 amendments accomplished this, but overdid it in the process. Stressing family ties, the 1965 law clogged the system and cut off access to this country for the people and nations where immigration took place three or four generations ago. The 1981 report of the Select Commission on Immigration and Refugee Policy—a distinguished panel headed by Father Theodore Hesburgh and counting among its members our two sponsors today, Senators KENNEDY and SIMPSON—summed it up well. The report states that:

> The low priority accorded nonfamily immigrants and a cumbersome labor certification process for clearing them for admission has made it difficult for persons without previous family ties in the United States or extensive training and skills to immigrate.

The effort to limit immigration in 1924 to some groups to prefer them over others, was not well-received. It was not right, not fair. Now we have moved too far in the other direction. The system now disadvantages individuals from countries which sent the first waves of immigrants to America. Since most European immigrants arrived in this country long before 1965, they do not have any close relatives to bring them in. Clearly, a mid-course correction is in order.

The legislation now before us accomplishes such a correction. It restores fairness and balance to our immigration laws to ensure that certain individuals and nations are not penalized because of their long heritage in this country. Certainly, the interests of family reunification are great and our immigration policies should not hamper such. However, we also need to help the descendants of our forefathers, to open the doors to opportunity for them as well.

It is also worth noting that this is not an overpopulated country. In fact, at some point in the next century the American population will actually start to decline. There is room for some more people in this country; there always has been and should be. I urge my colleagues to support the Immigration Act of 1989. In closing, Mr. President, I would ask unanimous consent that the following brief chronology of U.S. immigration policy be placed in the RECORD.

CHRONOLOGY

1875: First Federal retriction on immigration prohibits prostitutes and convicts.

1882: First general immigration law enacted which curbs Chinese immigration. Congress excludes convicts, lunatics, idiots, and persons likely to become public charges, and places a head tax on each immigrant.

1891: Ellis Island opens as immigrant processing center.

1903: List to excluded immigrants expands to include polygamists and political radicals such as anarchists.

1917: Congress requires literacy in some language for immigrants and virtually bans all immigration from Asia.

1921: Quotas are established limiting number of immigrants of each nationality.

1924: National Origins Law (Johnson-Reed Act) sets temporary annual quotas at two percent of the country's U.S. population

based on 1890 Census and sets immigration limit of 150,000 in any one year from non-Western Hemisphere countries.

1943: Chinese Exclusion Laws repealed.

1952: Immigration and Nationality Act of 1952 (McCarran-Walter) Reaffirms national origins system, and sets immigration limits.

1965: Immigration and Nationality Act Amendments of 1965 abolish national origins system, and establish preference system and annual ceilings for countries.

1976 and 1978: Additional amendments to Immigration and Nationality Act.

1986: Immigration Reform and Control Act imposes sanctions on employers who hire illegal aliens and grants amnesty to illegal aliens in this country since 1982.

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. Mr. President, during my debate on the amendment that was voted on a few minutes ago, I mistakenly said that nephews and nieces and brothers-in-law could not be admitted under the fifth preference. Apparently I was mistaken, and the Senator from Wyoming was correct.

On page 92 of the bill, it defines the fifth preference as "Brothers and Sisters of Citizens." And then it goes on to say, "Qualified immigrants who are the brothers or sisters of citizens of the United States, if such citizens are at least 21 years of age, shall be allocated visas in a number not to exceed 25 percent of such worldwide level, . . ."

I read that and did not realize brothers and sisters could bring their spouses and children. That is the nephews and nieces. I stand corrected and apologize to my friend, the Senator from Wyoming, number 44 in ranking here in the Senate. He, indeed, was correct, and I was mistaken.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I ask the Senator from Minnesota if there is anything else he wants to retract today?

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader.

TIME LIMITATION AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the following be the only amendments, in addition to the pending committee substitute, remaining in order to the bill, S. 358, under the following time limitations where indicated:

A Specter-DeConcini amendment increasing employer-sponsored visas, 90 minutes equally divided;

A Helms second-degree amendment to the Specter-DeConcini amendment relevant to the subject matter of the first-degree amendment, 60 minutes equally divided;

A Simon amendment on points for arranged employment, 10 minutes equally divided;

A Gorton amendment on Chinese immigration, 20 minutes equally divided;

A Levin amendment clarifying a study by a congressional commission, 10 minutes equally divided;

A Simpson amendment to restore English language points, 1 hour equally divided;

A Kennedy-Simpson technical amendment, 10 minutes equally divided;

A Shelby amendment on census counting of illegal aliens, 2 hours equally divided;

A possible Bentsen or Graham second-degree amendment to the Shelby amendment, 2 hours equally divided;

An Exon amendment prohibiting certain benefits for illegal aliens, 30 minutes equally divided;

A Gramm amendment relating to immigration, 1 hour equally divided;

A Helms second-degree amendment to the Gramm amendment relating to immigration, 1 hour equally divided;

A Gramm amendment regarding rural investor visas, 1 hour equally divided;

A Gramm amendment on point system preference, 40 minutes equally divided;

A Gramm amendment on 5 percent Presidential recommendation, 1 hour equally divided;

A Helms second-degree amendment to the Gramm amendment on 5 percent Presidential recommendation, 1 hour equally divided;

A Gramm amendment on rural doctors and nurses, 1 hour equally divided;

A Gramm amendment on lower investment requirement to $500,000 for investors' visas, 1 hour equally divided;

A Gramm amendment on the removal of limitation on number of investors' visas, 1 hour equally divided;

A Gramm amendment on removal of per-country limits on selected immigrants, 1 hour equally divided;

A Gramm amendment on exemption of future increases of immediate relatives from national cap, 20 minutes equally divided;

A Boschwitz amendment to increase the fifth preference by 40,000, 40 minutes equally divided;

A Boschwitz amendment to increase the fifth preference by 30,000, 20 minutes equally divided;

A Boschwitz amendment to increase the fifth preference by 20,000, 20 minutes equally divided;

A Kassebaum technical amendment, 10 minutes equally divided.

I further ask unanimous consent that these amendments all be first degree amendments, except where specifically noted otherwise; that no motions, other than motions to table and/or reconsider, be in order; that upon the disposition of these amendments the Senate proceed, without any intervening debate or action, to third reading and final passage of the bill.

I further ask unanimous consent that the agreement be in the usual form with respect to the division of time.

The PRESIDING OFFICER. Is there objection?

Mr. SIMON. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I have three amendments that were not included that I think we are going to get agreement on and may be included in the technical amendments. But I would like to reserve 10 minutes for three amendments to be equally divided.

The PRESIDING OFFICER. Is that 10 minutes for the total of the three or 10 minutes each?

Mr. SIMON. Ten minutes each. I think we can get by without any time, but just in case, I want to reserve that.

Mr. MITCHELL. That will be no problem. Will the Senator merely identify in some brief way the subject matter of the amendments?

Mr. SIMON. One is the quota for Hong Kong. One is the investors going to areas of unemployment. The third is reserving a portion on the point system in the event the Simpson amendment does not carry.

Mr. MITCHELL. Mr. President, I ask unanimous consent that my request be amended to include a provision for the three amendments identified by Senator SIMON, with the time limit indicated; that is, 10 minutes equally divided on each of those amendments.

Mr. KENNEDY. Mr. President, reserving the right to object, I appreciate the willingness of the two leaders to try to move us forward. I would like to preserve the possibility for an amendment to the Shelby amendment that deals with a constitutional issue. I know that there has been a reservation by Senator BENTSEN and Senator GRAHAM for a possible second amendment. I would like to at least reserve that right, as well.

Mr. MITCHELL. For yourself?

Mr. KENNEDY. Yes.

Mr. MITCHELL. Mr. President, I amend my request by adding, where I

stated a possible Bentsen or Graham second-degree amendment, that now be amended to read a possible Bentsen or Graham second-degree amendment on the same subject and a possible Kennedy amendment in addition thereto on the same subject, with 30 minutes, equally divided, on such a Kennedy amendment if offered.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The text of the agreement is as follows:

Ordered, That during the further consideration of S. 358, a bill to amend the Immigration and Nationality Act to change the level, and preference system for admission, of immigrants to the United States, and to provide for administrative naturalization, and for other purposes, the following amendments be the only amendments in order, in addition to the pending committee substitute, with the following time limitations where indicated, with the time to be equally divided and controlled:

Specter-DeConcini: Increasing employer sponsored visas, 90 minutes;

Helms 2d degree to the Specter-DeConcini: Relevant to the subject matter of the first degree amendment, 1 hour;

Simon: Points for arranged employment, 10 minutes;

Simpson: Restore English language points, 1 hour;

Kennedy-Simpson: Technical amendment, 10 minutes;

Shelby: Census counting of illegal aliens, 2 hours;

Possible Kennedy: 2d degree on the same subject, 30 minutes;

Possible Bensten or Graham: 2d degree on same subject, 2 hours;

Exon: Prohibiting certain benefits for illegal aliens, 30 minutes;

Gramm: Relating to immigration, 1 hour;

Helms: 2d degree to Gramm re immigration, 1 hour;

Gramm: Rural investor visas, 1 hour;

Gramm: Point system preference, 40 minutes;

Gramm: 5 percent Presidential recommendation, 1 hour;

Helms: 2d degree to Presidential recommendation, 1 hour;

Gramm: Rural doctors and nurses, 1 hour;

Gramm: Lower investment requirement to $500,000 for investors visa, 1 hour;

Gramm: Removal of limitation on number of investors visas, 1 hour;

Gramm: Removal of per country limits on selected immigrants, 1 hour;

Gramm: Exemption of future increase of immediate relatives from national cap, 20 minutes;

Boschwitz: Increase 5th preference 20,000, 20 minutes;

Boschwitz: Increase 5th preference 30,000, 20 minutes;

Boschwitz: Increase 5th preference 40,000, 40 minutes;

Kassebaum: Technical amendment, 10 minutes;

Simon: Hong Kong quota, 10 minutes;

Simon: Investors in unemployment areas, 10 minutes; and

Simon: Reserving portion of point system, 10 minutes;

Ordered further, That these amendments all be first degree amendments, except where specifically noted and that no motions, other than motions to table and or reconsider, be in order.

Ordered further, That upon disposition of these amendments, the Senate proceed, without any intervening debate or action to third reading and final passage of the bill.

Ordered further, That the agreement be in the usual form with respect to the division of time.

Mr. KENNEDY. Mr. President, we are prepared to stay in and consider some of the amendments that have been worked out. The Senator from Michigan's amendment has been worked out and the amendment of the Senator from Washington has been worked out. That is our intention.

Quite frankly, a number of these amendments that have been listed by the leader we have been working on during the course of the day and we will be glad, to the extent that we can, to deal with those this evening.

I yield the floor.

AMENDMENT NO. 248

(Purpose: To instruct the Commission on Legal Immigration Reform to review the impact of per country immigration levels)

Mr. LEVIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the Gorton amendment will be set aside for consideration of an amendment of the Senator from Michigan.

The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 248.

On page 122 after line 5, insert the following new subsection.

"(5) the impact of per country immigration levels on family connected immigration."

Mr. LEVIN. Mr. President, this amendment would require the Commission on Legal Immigration Reform to review the impact of per country immigration levels on family-connected immigration. There are already provisions in the bill to create the Commission and to direct it to review certain particulars. This amendment would simply add the new per country immigration levels to the issues for the Commission to review. I am concerned about how the new per country limit on family visas will affect family immigration from those countries with high demand for the limited visas.

PER COUNTRY LIMIT UNDER CURRENT LAW

Under current law, no country is allowed to use more than 20,000, or in some cases 16,000, family preference visas annually. If a country uses the maximum allowed 20,000 visas 1 year, then the following year, its family preference visas are limited to 16,000.

Let me emphasize here, that admissions of immediate relatives of U.S. citizens are not counted against this limit; and that is as it should be. Thus, a country that regularly reaches the per country limit, has unlimited admissions for immediate relatives of U.S. citizens, plus 16,000 visas for other family preference categories.

The bill before the Senate today could significantly alter this situation.

PER COUNTRY LIMIT UNDER S. 358

A little discussed provision of the bill would change the way the per country limit would apply to family immigration. I believe the new limits could have considerable impact on family immigration, especially immigration from the so-called high demand countries.

In principle, the bill would make two changes. First, it would change the per country limit from a raw number to a percentage of available visas. Second, it would, within certain limits, count immediate relatives of U.S. citizens against the per country limit on family preference immigration.

The first change would make the new limit 7 percent of the family preference visas available worldwide. Remember, the number of family preference visas available worldwide is 480,000 minus the immediate relatives of U.S. citizens, or 216,000, whichever is greater. Thus, the per country limit on family connected immigration would never be lower than 7 percent of 216,000, or 15,120.

So, it would seem that we are simply lowering the effective per country limit on family connected immigration from 16,000 to 15,120.

But the second change would reduce family preference immigration even further.

The second change would further reduce family preference immigration below the 15,120 limit because immediate relatives could claim up to half of the 15,120 visa limit.

S. 358 would alter current law by reducing its annual allowance of family preference visas because of the high number of immediate relative admissions. Put another way, admissions of immediate relatives are offset against the allowance of visas for other relatives.

Although the offset is limited to half the family preference allowance, I fear that S. 358 could significantly reduce family preference immigration from high demand countries.

Let me use an example from a hypothetical country to demonstrate how the offset mechanism would work.

Let's assume that the operative per country limit for fiscal year 1991 is 15,120 family preference visas. Further assume, that a country had 25,000 immediate relative admissions in fiscal year 1989 and 30,000 immediate relative admissions in fiscal year 1991. Finally, assume that immediate relative demand remains at 30,000 for fiscal year 1992.

Under current law, in fiscal year 1992 our hypothetical country would be allowed 30,000 immediate relative visas plus 16,000 family connection visas, for a total of 46,000.

Whereas, under S. 358, the increase of 5,000 immediate relatives between fiscal year 1989 and fiscal year 1991 would be counted against the per country limit of 15,120 for the following year, fiscal year 1992. This would reduce the country's family connection limit from 15,120 to 10,120. Thus, in fiscal year 1992 when the reduction would take place, the hypothetical country would be allowed 30,000 immediate relative visas, plus only 10,120 family preference visas, for a total of only 40,120 visas.

So, under S. 358 as immediate relative admissions grow, other family immigration decreases—one is offset against the other.

The committee has clearly foreseen this effect and has placed a limit on the offset mechanism. The bill specifies that increases in admissions of immediate relatives, can offset no more than half the family preference per country limit.

Going back to the scenario I described a minute ago, if immediate relative admissions from the hypothetical country had increased from 25,000 to 35,000, the hypothetical country would still be guaranteed 7,500 family preference visas.

This guarantee of 7,500 family preference visas affords high demand countries some protection against the offset mechanism, but I am troubled by the bill's provisions nevertheless.

Even with the safeguards, the bill we are debating effectively reduces the per country limit on family preference visas from 16,000 to 7,500.

IMPACT ON HIGH DEMAND COUNTRIES

GAO identified seven high demand countries which hover at, or near, the current per country limit of visas. They are: China, Great Britain, including Hong Kong, Korea, Mexico, The Dominican Republic, India, and the Philippines.

By effectively reducing the per country limit on family preference visas from 16,000 to 7,500, it would seem possible, indeed probable, that S. 358 would reduce family immigration from these countries.

STUDY IMPACT OF PER COUNTRY LIMITS

The amendment I am introducing today simply requires the Commission on Legal Immigration Reform to review the impact of the new per country levels of immigration on family immigration from high demand countries. Such a review would be consistent with the purpose of the Commission, as it would be established under S. 358. The amendment I am offering would require the Commission to specifically consider the effect of the new per country levels of immigration which the bill would establish.

Mr. President, I understand the amendment is acceptable by both sides. I wish to thank Senator KENNEDY and Senator SIMPSON and their staffs for working with us on this amendment.

Mr. KENNEDY. Mr. President, I thank the Senator from Michigan for bringing this matter to our attention. It requires the congressional commission to look also at the impact of our bill on family immigration. This has been our intention. It is certainly a very consistent amendment and one I think that strengthens the legislation. I urge our colleagues to accept it.

Mr. SIMPSON. Mr. President, this is a perfectly acceptable amendment. I appreciate the usual good work of my friend from Michigan. He thoughtfully follows those issues of family reunification and family immigration. I am very pleased to accept that and thank him for it.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on the agreement to the amendment of the Senator from Michigan [Mr. LEVIN].

The amendment (No. 248) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 242, AS MODIFIED

(Purpose: To grant adjustment to lawful resident status of certain nationals of the People's Republic of China)

Mr. GORTON. Mr. President, I have sent to the desk a modification to my earlier amendment which I believe is the pending business. I ask unanimous consent that the amendment be so modified.

The PRESIDING OFFICER. Without objection, it is so modified.

The amendment (No. 242), as modified, is as follows:

(1) EXTENSION OF DURATION OF STATUS.—Subsection 245B(e)(1) of section 302 of title III of the bill relating to the status of students from the People's Republic of China set forth in amendment numbered 239, as amended, is hereby further amended by striking the date "June 5, 1992" and inserting in lieu thereof the date "June 5, 1993."

(2) ADJUSTMENT TO LAWFUL RESIDENT STATUS OF CERTAIN NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA.—Section 302 of title III of the bill, as amended, is further amended by the following subsection (f) to read in its entirety as follows:

"(f) ADJUSTMENT TO LAWFUL RESIDENT STATUS OF CERTAIN NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA.—

(1) ADJUSTMENT OF STATUS.—The status of a national of the People's Republic of China shall be adjusted by the Attorney General to that of an alien lawfully admitted for temporary residence if the alien—

(A) applies for such adjustment during the 90-day period prior to June 5, 1993;

(B) establishes that the alien (i) lawfully entered the United States on or before June 5, 1989, as a nonimmigrant described in subparagraph (F) (relating to students), subparagraph (J) (relating to exchange visitors) or subparagraph (M) (relating to vocational students) of section 101(a)(15) of the Immigration and Nationality Act, or lawfully changed status to that of a nonimmigrant described in any such subparagraph on or before June 5, 1989, (ii) held a valid visa under any such subparagraph as of June 5, 1989, and (iii) has resided continuously in the United States since June 5, 1989 (other than brief, casual and innocent absences); and

(C) meets the requirements of section 245A(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1255a(a)(4)), provided however, membership in the Communist party of the People's Republic of China or subdivision thereof shall not constitute an independent basis for denial of adjustment of status if such membership was "involuntary" or "nonmeaningful";

and the Attorney General shall not have terminated prior to June 5, 1993, the status accorded under subsection (e) of this section. The Attorney General shall provide for the acceptance and processing of applications under this subsection by not later than ninety (90) days after the date of enactment of this Act.

(2) STATUS AND ADJUSTMENT OF STATUS.—The provisions of subsections (b), (c) (6) and (7) (d), (f), (g), and (h) of section 245A of the Immigration and Nationality Act (8 U.S.C. 1255a) shall apply to aliens provided temporary residence under subsection (a) in the same manner as they apply to aliens provided lawful temporary residence status under section 245A(a) of such Act, provided however, membership in the Communist party of the People's Republic of China or any subdivision thereof shall not constitute an independent basis for denial of adjustment of status if such membership was "involuntary" or "nonmeaningful"."

Mr. GORTON. Mr. President, I also ask unanimous consent that Senators SIMON, KOHL, BOSCHWITZ, and CRANSTON be listed as original sponsors to this amendment, and that all of those Members who were listed as sponsors of my original amendment (Senators KASTEN, DOMENICI, WILSON, COHEN, GRAMM, LIEBERMAN, and D'AMATO) be incorporated as original cosponsors of the modified amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, earlier today I proposed an amendment which I described as building on the Mitchell-Dole amendment which was agreed to yesterday with respect to students, vocational students and exchange visitors from the People's Republic of China. I proposed that amendment with three underlying goals in mind.

First, to provide a degree for these young Chinese nationals who had been overtaken by the dramatic and regrettable repression of the democracy movement in Beijing on the 3d and 4th of June and on subsequent days.

Second, to provide what I consider to be the most effective possible sanction against the People's Republic of China—the possible permanent loss of the brightest and best of its young people who are represented by those students here in the United States.

Third, selfishly, to create an asset for the United States by offering a

greater possibility that those students might become permanent residents and ultimately citizens of the United States.

Their brightness, the high degree of their education, their technical attainments, their dedication to democracy, their general work ethic, all combine to cause them to be exactly the kind of people we would like to have as full-time residents and citizens of the United States.

The three distinguished Senators who make up the Subcommittee on Immigration, the distinguished Senator from Massachusetts, Senator KENNEDY, Wyoming, Senator SIMPSON, and Illinois Senator SIMON, had certain concerns about the amendment as originally proposed. In fact, they would have been opposed to my earlier amendment because it would create a new and different precedent in our immigration law. However, they have been sympathetic with the goals which I outlined in connection with my earlier amendment. The modification which I have submitted I believe with the approval of all of them—is a closer parallel to yesterday's leadership amendment. It would reach the same goal sought by my original amendment, albeit taking somewhat longer.

My current amendment would have the Government deal with these Chinese students until June 5, 1993, in exactly the way outlined by the Mitchell-Dole amendment which was agreed to by this body yesterday. If up to that date, however, slightly less than 4 years from the time at which we are debating this amendment, the President had been unwilling or unable to certify that it was perfectly safe for the Chinese students and other temporary residents to return to the People's Republic of China, then automatically they would be authorized to adjust to temporary residence status if they had submitted an application within the 90-day period prior to June 5, 1993. After maintaining temporary residence status for at least 18 months, they may apply for and be granted permanent residence status which may eventually lead to citizenship.

The other provisions which I discussed in that earlier amendment would either be included or will be included in one or more technical amendments to be offered by other Members at a later point. Those technical amendments will assure the right to work prior to the June 5, 1993, date on the part of these students from China.

We want them to be able to work to help defray the costs of their education, to contribute to society, and in some cases to make themselves eligible for citizenship under other provisions of the immigration laws as and when they can so do.

To summarize, this amendment together with the technical amendments will allow the Chinese students to work during their stay in our country. It will give them the kind of security which they want and need to continue to work here in the United States for democracy in China. It will provide the most effective possible sanction against the People's Republic of China for its actions in early June. Further, it will provide the greatest possible encouragement for liberalization in China in the future in order that the Government of the People's Republic of China will provide some incentive for these bright and talented students to return. If the situation in China continues to be repressive, it may well result in a substantial increase in the number of permanent residents and citizens here in the United States to the benefit of the people of the United States.

I would describe it as meeting all of the goals underlying my original amendment today. I express extreme gratitude toward the three distinguished Senators and Senator KOHL and their staffs for their willingness to work with me and my staff to achieve such an important addition to this bill.

Mr. President, I ask unanimous consent that the July 7, 1989, letter of J.H. Jerry Zhu, Esq., to Jimmy Wu, Esq., be printed in the RECORD, Messrs. Zhu and Wu have provided valuable assistance to me and my staff in the highly technical area of immigration law, for which I am grateful.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DAVIS WRIGHT & JONES,
Seattle, WA, July 7, 1989.

JIMMY WU, ESQ.,
Attorney at Law, Seattle, WA.

DEAR JIMMY: Pursuant to our conference call on July 5, 1989, I am writing to present my views on S. 1209, a bill introduced by Senator Gorton on June 20, 1989, which will permit Chinese foreign students and exchange visitors immediately to apply for and, if otherwise eligible, receive permanent resident status in the United States.

There is no lack of precedents for this type of legislation. The Congress has been consistent in its willingness to approve legislation to aid persecuted people of the world. For example, Congress has approved legislation on behalf of the Cuban refugees (Public Law 89-733); the Hungarian refugee (Public Law 85-559); admission of refugee-escapees who are within the mandate of the United Nations High Commissioner for Refugees (Public Law 86-648); and for refugees from communist countries outside the Western Hemisphere (Public Law 89-236). The justifications for the enactment of those acts are manifold, including—

Providing protection for people who had been in the forefront of fights for freedom and who had fled their homes to escape Communist oppression;

Discharging our international humanitarian obligation not to return persecuted people to a country where their lives or freedoms would be threatened;

Relieving the refugees of following a circuitous route to permanent resident status, and avoiding waste of time and money, and undue burdens on them and their families who had very limited funds;

Reducing the Government's expenditures on behalf of those refugees;

Aiding the refugees in their resettlement by enhancing their opportunity to qualify for employment in the United States; and

Accepting the refugees, and in doing so, acquiring a valuable national asset.

U.S. Cong. & Adm. News' 58-198, pp. 3147-3155; and U.S. Cong. & Adm. News' 89-732, pp. 3792-3802.

It is true that Chinese students and scholars are not "refugees," as the term is defined under § 101(a)(42) of the Immigration and Nationality Act (the "Act"), 8 U.S.C. § 1101(a)(42). Most are still in status, on F (Student), J (Exchange student), or M (Vocational student) visas. In addition, unlike the Cuban and Hungarian refugees, they were not admitted to the United States in a parolee status. Very few have sought asylum up to this time. However, like the Cuban and Hungarian refugees, the Chinese students and scholars are not able to return to their home country for the foreseeable future, and their presence in the United States without permanent resident status will cause the same type of problems that can only be solved by the enactment of legislation such as the "Cuban Refugees Act" in 1966 and the "Hungarian Refugees Act" in 1958. For reasons stated below, we believe it is in the interest of the United States and the Chinese students to forestall those problems by granting them permission to immediately apply for permanent resident status in the United States.

It is anticipated that before long the Chinese Communist leadership will launch a propaganda campaign aimed at wooing the Chinese students and scholars back to China. Promises will be made not to punish those who took part in demonstrations and other anti-government activities in the United States. The leadership might even grant exceptionally favorable treatment to returning students in terms of career opportunities, compensation, or housing, using the returning students and scholars as propaganda tools.

In discussions with representatives of the Chinese student body in Seattle, I asked the question: "Under what circumstances will you feel safe to go back?" The response was unanimous. The students will not go back to China in reliance on whatever promises the leadership may make. The students note that if history and recent events teaches anything, it teaches that the Chinese Communist Party cannot be trusted to keep promises made to the people. Only when the Chinese government reverses its characterization of the June 4 pro-democracy movement from "counterrevolutionary" to "patriotic," the students say, can they consider it safe to go back. Such a correction is not likely within the next four or five years. In the meantime, Chinese students and scholars will explore every possible channel to try to stay in the United States, legally or even illegally.

Many will seek to adjust their nonimmigrant visa status to that of a permanent resident under Section 245 of the Act, 8 U.S.C. 1225. In order to do so, they will have to find an employer; have the employer apply for a Labor Certification with the Department of Labor, certifying that their employment in the United States will not adversely affect conditions of U.S. workers,

and that sufficient U.S. workers are not able, willing, qualified and available for the job. 8 U.S.C. § 1182(a)(4). This, in itself, is a very time-consuming process. After obtaining a Labor Certification, the students will need to apply for an immigrant visa under either § 203(a)(3) (Third Preference), or § 203(a)(6) (Sixth Preference) of the Act due to the quota system which restricts the number of aliens eligible to be admitted to the United States each year. If they are lucky, their immigrant visa quota will become available before their nonimmigrant visa expires. Then and only then will they be eligible to apply for adjustment of status under Section 245 of the Act.

Students who are J visa holders will be subject to the two-year home-country residency requirement under Section 212(e) of the Act. An application for waiver of this requirement has to be made before they can be eligible to adjust their status. The approval process for such waiver applications, most likely based on claims of persecution, will involve the Immigration and Naturalization Service, the United States Information Agency, and the Bureau of Human Rights and Humanitarian Affairs.

In addition, students who are members of the Chinese Communist Party will have to apply for waiver of excludability under Section 212(a)(28) of the Act before becoming eligible for adjustment of status.

During this lengthy process, which may take as long as 12 months to 2½ years, the students are required to maintain their nonimmigrant status and have a valid Chinese passport. If they are out of status or without a valid passport, they will not be eligible to adjust their status to that of an immigrant in the United States. It should be mentioned here that the Chinese embassy and consulates in the United States may refuse to extend the students' passports once they expire.

If a student cannot complete any step along the way—obtaining extension of validity of passport, receiving labor certification or an immigrant visa, or remaining in status until the immigrant visa quota for China becomes current—the students may find themselves out of status and subject to deportation. They will be left with no recourse except seeking political asylum based on persecution or fear of persecution. Some of them may take this approach directly.

The reality we will have to face is that if the students should fail in their efforts to obtain permanent resident status under either Section 245 of the Act or the Refugee Act of 1980, the United States, out of humanitarian consideration, still should not or cannot force them to go back to China so long as the basis for fear of persecution exists. If such is the case, why not permit the students to apply for permanent resident status immediately and, in doing so, avoid all the problems which the government and the students will otherwise have to cope with. We only need to examine the problems and costs associated with delay for the Cuban and Hungarian refugees to realize the benefits of a direct and permanent approach.

One concern in taking the approach outlined in S. 1209 is, of course, the reaction from the Chinese government over the loss of these students and scholars, which may have diplomatic and military implications. Nevertheless, the U.S. government cannot avoid grappling with the problem at some point. It is in the interest of U.S.-China relations to deal with the problems now rather than later.

The reasons to act can be summarized as follows:

(1) The Chinese Communist leadership were well prepared to accept the eventual loss of these students when they made the decision to crack down on the pro-democracy movement. They will not be surprised if the Congress passes this bill. The Chinese leadership may make a lot of noise, but will not take retaliatory measures. They may restrict other students and scholars from coming to the United States, but this had already happened even before the crackdown on the pro-democracy movement.

(2) Any humiliation of the Chinese leadership as a result of this legislation will be short-lived when compared with the lengthy and repetitive J visa waiver process or the political asylum process. Each waiver or asylum application will be based on persecution or a fear of persecution. Each individual case will constitute an accusation against the Chinese government of persecution. The filing and processing of such applications will continue over a long period of time, even after resumption of normal relations between the two countries.

(3) The passing of this bill will encourage the Chinese leadership to take positive steps to attract these students back to China. U.S. permanent resident status does not mean abandonment of Chinese citizenship. The Chinese students would become eligible for U.S. citizenship only after five years have passed since obtaining permanent resident status. The students will remain citizens of the People's Republic of China. If the Chinese government really wants these students back, they will know that they must improve the political environment in China before the students must decide to become U.S. citizens and abandon Chinese citizenship. Since the U.S. desires improvement in the political environment in China, passage of S. 1209 will help fulfill a major U.S. foreign policy goal.

(4) Once normal relations have resumed, on the basis of a more democratic attitude by the Chinese government toward its own people, these students, whether they decide to stay permanently in the United States or return to China, will become excellent bridge builders between the two countries.

It should also be mentioned here that the Chinese students are unique in the sense that they are the elite of Chinese society. If permitted to stay permanently in the United States, they will not be a liability, but a valuable national asset to the United States.

For reasons stated above, I recommend that the AILA favor and support S. 1209, and make recommendation to the Congress accordingly.

Very truly yours,

J.H. JERRY ZHU.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I first of all want to thank the Senator from Washington for his willingness to work with us on this issue. He has identified an important area of public concern, and I think that the solution that we have reached is consistent with what we have done historically and is extremely relevant to the current condition. It allows adjustment of status after 4 years, using the Amnesty Program procedures. This is a consistent procedure with what we have done for the Poles, the Afghans, the Ugandans, and the Eastern Europeans.

In the interim the students are protected for 4 years unless the President certifies beforehand that it is safe to return.

So this builds on what we have done. It follows the past precedent. I think there is adequate reason to support this proposal, and I want to personally extend my sense of appreciation for the cooperation. I think we achieve the objective of the Senator from Washington and we do it in a way which follows the past traditions. I do think it is the way to move. I think we achieve the objective, and I am grateful to the Senator for working this out.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I thank Senator GORTON for the amendment as we have now agreed to accept in the form presented. If the President does not certify by June 5, 1993, that conditions are safe enough for Chinese students to return home, then we should put them on the track toward temporary residence and then permanent residence. I have had some serious concerns about granting permanent status to people who are now only granted temporary relief, and this does preserve the ability of the President to terminate the grant. The amendment is acceptable.

I appreciate the effort that Senator GORTON has gone to and I think, with this proposal and this amendment, that we have rather thoroughly addressed the Chinese student issue. I had wanted to do that, and with what Senators MITCHELL, DOLE, and what Senator MURKOWSKI and now Senator GORTON have said, I think any obligation—and we certainly have one to these fine young people and others in the United States—that we certainly met that. I thank the Senator from Washington for assuring that.

The PRESIDING OFFICER. The Senator from Washington.

Mr. KOHL. Mr. President, I am proud to be a cosponsor of the Gorton amendment. I am also delighted to see that the leadership is now willing to accept the additional level of assurance that this amendment offers above and beyond the protections afforded in the Mitchell-Dole amendment we adopted yesterday. Clearly, this amendment does not replace the Mitchell-Dole measure. It adds new protections. Chinese nationals can continue to apply for permanent residence immediately under the Mitchell-Dole amendment.

Ever since the tragic events in China, we have all been struggling with how we might best protect the Chinese students now in the United States. I filed legislation on this issue before the recess. During the recess,

while I was in Wisconsin, I met with a number of Chinese students. Here in Washington, my staff met with the staff from the offices of Senator SIMON, Senator DIXON, Senator CRANSTON, Senator GORTON, Senator KENNEDY, Senator SIMPSON, and others, to discuss how we might deal with this issue. Over the past week, there have been a number of additional meetings which produced the leadership amendment we adopted yesterday and which have now produced the Gorton amendment we are preparing to adopt. In all of these meetings, there has been an excellent spirit of cooperation and bipartisanship. There has been give and take, compromise and accommodation. It may not have always been the best way to legislate, but it has produced good legislation. I am proud to be associated with it. And I am proud of the work that my staff—in the State and here in Washington—has played in shaping both the leadership amendment and the Gorton amendment.

Mr. President, the various amendments we have adopted to help Chinese students now in the United States represent the best elements of American society: compassion—a human desire to help those who share our love of freedom and democracy—and commitment—a belief that we have to oppose and seek to prevent the abuse of basic human rights by any government of any country. I think the American people can be proud of what we have done on this issue. I look forward to action in the House and the prompt presentation of legislation on this issue to the President.

The PRESIDING OFFICER. Is there further debate? If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 242), as modified, was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment, as modified, was agreed to.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we have concluded the debate for this evening. We will commence the debate tomorrow on the immigration bill at 10 o'clock with the Exon amendment. There has been a time limitation on that, but I mention it just for the benefit of the Members. Then, hopefully, we will move along as rapidly as we can through the remaining amendments.

TRIBUTE TO MS. ARETHA FRANKLIN

Mr. LEVIN. Mr. President, Michigan is always proud to claim favorite sons and daughters with special gifts and accomplishments as its own, but when their talents unfold beyond our borders we are proud as well to share them with the Nation and the world.

Aretha Franklin is quite rightly Michigan's own, raised in Detroit at the side of her father, one of that city's most famous ministers, the late C.L. Franklin, and weaned on the moving tones and message of Gospel music at New Bethel Baptist Church on the street now named C.L. Franklin Boulevard.

Her talent was recognized in her teens and her recording career began with a collection of Gospel songs 33 years ago. Just 2 years ago, she returned to that same church for the recording of another widely acclaimed collection of spiritual songs. In between, for more than a quarter of a century, she became the spirit of an era of popular music.

In many parts of this world where the language of music transcends both words and borders, a simple phrase describes a sound, a woman, and a continuing legacy of songs: "Queen of Soul." More than 20 years ago, a writer for Time magazine attempted a description of this queen whose picture graced the magazine cover. He called her technique, "simple enough," but added, "what really accounts for her impact goes beyond technique; it is her fierce, gritty conviction."

The conviction in her voice has been evident from those early days leading a congregation in song, to this summer as her latest recording heads up the charts. Perhaps not as well known is the conviction Aretha has carried into the fight against drunk driving and the effort to ensure young men and women have access to higher education through the United Negro College Fund. For this dedication to her craft and her community, she has earned what all of us covet; R-E-S-P-E-C-T.

Mr. President, on Friday, July 14, the Senate Black Legislative Staff Caucus will honor Aretha Franklin with a resolution and the presentation of a plaque commending her for her amazing career. I ask unanimous consent that the resolution and the dedication appearing on the plaque be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE BLACK LEGISLATIVE STAFF CAUCUS RESOLUTION: ARETHA FRANKLIN, QUEEN OF SOUL

Whereas, Aretha Franklin began her distinguished career at the age of fourteen with her own unique rendition of the hymns, recorded at her father's New Bethel Baptist Church, in Detroit, Michigan, and

Whereas, Aretha Franklin established herself as a gospel great with classics such as "Amazing Grace", "One Lord, One Faith, One Baptism", "Wholy Holy", "The Lord's Prayer", and "You'll Never Walk Alone", and,

Whereas, Aretha Franklin gained further respect of music critics and audiences alike, by mastering the rhythm and blues, top-forty, and country musical markets, and,

Whereas, Aretha Franklin developed her own stylized singing voice that is a signature for the civil rights movement of the '60s and '70s, and continues to be a staple of the American music industry, and,

Whereas, Aretha Franklin, while capturing the heart of America, earned 15 Grammy awards, 24 gold records, one platnum album, was named the top female vocalist of 1967, the number one female singer at the 16th Annual International Jazz Critics Poll in 1968; was recipient of 1984 American Music award, and

Whereas, Aretha Franklin gained additional international acclaim by becoming the first female inductee into the Rock and Roll Hall of Fame in 1987, was listed in Who's Who in America's 45th Edition, 1988-89, and,

Whereas, Aretha Franklin, has committed her talents and time to assist in eliminating drunk drivers from our nation's highways with her soulful public service advice of "Don't" to those persons who would drink and drive, and,

Whereas, Aretha Franklin, was designated the true queen of soul by contributing such block buster hits as "Angel", "R-E-S-P-E-C-T", "Who's Zoomin' Who", "Think", "Satisfaction", "I Say A Little Prayer", "Jimmy Lee", "Ain't No Way", "Spirit In The Dark", "The House That Jack Built", and,

Whereas, Aretha Franklin, has received honors, other than musical, including: an Honorary Doctor of Law degree from Bethune-Cookman College, an Honorary Doctorate in Music from the University of Detroit, keys to numerous American cities, an image award from the NAACP, a 1984 American Black Achievement Award from Ebony Magazine, and in May of 1985, her voice was proclaimed one of Michigan's Natural Resources by the Governor, therefore,

Be it resolved, That, on July 14, 1989, the Senate Black Legislative Caucus presents this resolution to honor Aretha Franklin for her valuable contributions to the music industry and her continuing commitment to issues that address the good will of all Americans.

[Plaque]

UNITED STATES SENATE BLACK LEGISLATIVE STAFF CAUCUS

HONORS

MS. ARETHA FRANKLIN FOR HER OUTSTANDING CONTRIBUTIONS TO MUSIC AND COMMUNITY SERVICE

In recognition of your superior musical accomplishments, exceptional community service, and your commitment to eliminating drunk drivers from our Nation's highways.

Presented on July 14, 1989.

MESSAGES FROM THE HOUSE

At 2:27 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed

the following bills, in which it requests the concurrence of the Senate:

H.R. 491. An act to establish a mining experimental program on critical minerals, and for other purposes;

H.R. 1705. An act to amend the Mining and Minerals Policy Act of 1970, and for other purposes;

H.R. 2087. An act to transfer a certain program with respect to child abuse from title IV of Public Law 98-473 to the Child Abuse Prevention and Treatment Act, and for other purposes;

H.R. 2088. An act to revise and extend the programs established in the Temporary Child Care for Handicapped Children and Crisis Nurseries Act of 1986;

H.R. 2653. An act to authorize appropriations for fiscal year 1990 to carry out the Export Administration Act of 1979; and

H.R. 2848. An act to amend the Computer Matching and Privacy Protection Act of 1988 to delay the effective date of the act for existing agency matching programs.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 86. Concurrent resolution expressing the sense of the Congress that the President should encourage the private creditors of Mexico to take certain actions to reduce Mexico's debt and debt service cost.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 491. An act to establish a mining experimental program on critical minerals, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1705. An act to amend the Mining and Minerals Policy Act of 1970, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2087. An act to transfer a certain program with respect to child abuse from title IV of Public Law 98-473 to the Child Abuse Prevention and Treatment Act, and for other purposes; to the Committee on Labor and Human Resources.

H.R. 2088. An act to revise and extend the programs established in the Temporary Child Care for Handicapped Children and Crisis Nurseries Act of 1986; to the Committee on Labor and Human Resources.

H.R. 2653. An act to authorize appropriations for fiscal year 1990 to carry out the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 86. Concurrent resolution expressing the sense of the Congress that the President should encourage the private creditors of Mexico to take certain actions to reduce Mexico's debt and debt service cost; to the Committee on Banking, Housing, and Urban Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2848. An act to amend the Computer Matching and Privacy Protection Act of 1988 to delay the effective date of the act for existing agency matching programs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Allocation to Subcommittees of Budget Totals From the Concurrent Resolution, Fiscal Year 1990" (Rept. No. 100-75).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with amendments:

S. 737. A bill to authorize the Secretary of the Interior to acquire certain lands adjacent to the boundary of Rocky Mountain National Park in the State of Colorado (Rept. No. 101-74).

S. 388. A bill to provide for 5-year, staggered terms for members of the Federal Energy Regulatory Commission, and for other purposes (Rept. No. 101-76).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources:

Robert Refugio Davila, of the District of Columbia, to be Assistant Secretary for Special Education and Rehabilitative Services, Department of Education;

Neil Carney, of Virginia, to be Commissioner of the Rehabilitation Services Administration; and

Charles E.M. Kolb, of Virginia, to be Deputy Under Secretary for Planning, Budget and Evaluation, Department of Education.

(The above nominations were reported with the recommendation that they be confrimed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. KENNEDY:

S. 1295. A bill to provide duty-free treatment for the entry of scenery and costumes imported by the Boston Ballet for a special performance; to the Committee on Finance.

By Mr. BURDICK:

S. 1296. A bill to establish a Rural Water Supply Assistance Program to provide for improvement, renewal, rehabilitation, repair and modernization of rural water supply systems; to the Committee on Environment and Public Works

By Mr. DURENBERGER:

S. 1297. A bill to permit secondary mortgage financing for residential properties that include small day care centers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HATCH (by request):

S. 1298. A bill to reauthorize programs under the Domestic Volunteer Service Act of 1973 (hereafter in this Act referred to as the "Act"), and for other purposes; to the Committee on Labor and Human Resources.

By Mr. SPECTER (for himself, Mr. SASSER, Mr. RUDMAN, Mr. BRADLEY, Mr. LOTT, Mr. DODD, Mr. REID, Mr. LIEBERMAN, Mr. KERRY, and Mr. HEINZ):

S. 1299. A bill to establish a Police Corps program; to the Committee on the Judiciary.

By Mr. HATCH (for himself and Mr. THURMOND):

S. 1300. A bill to amend the Job Training Partnership Act to improve the delivery of services to hard-to-serve youth and adults, to establish the Youth Opportunities Unlimited program, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HEFLIN:

S. 1301. A bill to provide relief for Hoar Construction Inc. of Birmingham, Alabama to settle certain claims filed against the Small Business Administration, to the Committee on the Judiciary.

By Mr. BENTSEN:

S. 1302. A bill to increase the size of the Big Thicket National Preserve in the State of Texas by adding the Village Creek Corridor unit, the Big Sandy Corridor unit, and the Canyonlands unit; to the Committee on Energy and Natural Resources.

S. 1303. A bill to amend the Internal Revenue Code of 1986 to restrict the partial exclusion from income of interest on loans used to acquire employer securities to cases where employees receive a significant ownership interest in a corporation, and for other purposes; to the Committee on Finance.

By Mr. GLENN (for himself, Mr. ADAMS, Mr. DASCHLE, Mr. DECONCINI, Mr. KOHL, Mr. LIEBERMAN, Mr. METZENBAUM, Ms. MIKULSKI, Mr. PRYOR, and Mr. STEVENS):

S. 1304. A bill to enhance nuclear safety at Department of Energy nuclear facilities, to modify certain functions of the Defense Nuclear Facilities Safety Board, to apply the provisions of OSHA to certain Department of Energy nuclear facilities, to clarify the jurisdiction and powers of Government agencies dealing with nuclear wastes, to ensure independent research on the effects of radiation on human beings, to encourage a process of environmental compliance and cleanup at these facilities, to protect communities that contain these facilities, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CRANSTON (by request):

S. 1305. A bill to amend title 38, sections 5002(d), 5004(a)(3)(A), and 5009(i)(2) United States Code, to raise the Department of Veterans Affairs' minor construction cost limitation from $2 million to $3 million and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CRANSTON (for himself, Mr. BINGAMAN, Mr. DECONCINI, Mr. GRAHAM, Mr. MATSUNAGA, and Mr. ROCKEFELLER):

S. 1306. A bill to amend title 38, United States Code, to extend the preventive care pilot program of the Department of Veterans Affairs and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PRESSLER:

S. 1307. A bill to amend the Land Remote Sensing Commercialization Act of 1984 in order to transfer responsibility for archiving land remote-sensing data to the Department of the Interior, and for other purposes; to

the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BURDICK:

S. 1296. A bill to establish a Rural Water Supply Assistance Program to provide for improvement, renewal, rehabilitation, repair and modernization of rural water supply systems; to the Committee on Environment and Public Works.

RURAL WATER SUPPLY ASSISTANCE ACT

● Mr. BURDICK. Mr. President, today I am introducing legislation which is intended to address the water supply infrastructure needs of small rural communities. The Rural Water Supply Assistance Act of 1989 will provide States with the authority to establish a long-term capital base to insure that adequate drinking water facilities can be sustained throughout this country.

Mr. President, I have considered this legislation ever since the 1987 report of the National Council on Public Works Improvement stated unequivocally that "A national problem does exist for small water systems." My colleagues are fimilar with the important work of the Council, and I do believe they are aware that in over 2,000 pages of analysis this was the infrastructure issue about which the National Council made one of its most forceful statements.

The reason for this becomes clear when one looks at the data; the scope of the small water system problem is very broad. The Environmental Protection Agency has defined a small community water system as one which serves fewer than 3,300 people. Mr. President, there are more than 58,000 such systems in this country and they provide drinking water to more than 25 million Americans. Rural Americans, small farmers, businessmen and women and their families. These are the people who comprise the backbone of our country.

Mr. President, the National Council on Public Works Improvement found that, and I quote:

These small water systems operate on a marginal basis, with inadequate resources—operational and managerial—to correct existing deficiencies. Owners/operators of these systems are often unable to respond effectively to emergencies or the need for unplanned improvements. Small water systems are expected to consistently deliver safe and dependable supplies of water to consumers, however, even though they find it inherently difficult to manage, operate, and maintain their systems properly.

The plain fact is that these small rural water systems usually have no full-time operator; have little knowledge of water system management, finances or engineering; have no economies of scale; serve low and modest income populations; and have neither bonding capacity nor access to capital for system improvements.

Mr. President, the Rural Water Supply Assistance Act will provide, through a State established revolving account, the necessary financial base for these small water systems to provide quality drinking water to the people of rural America. And it will do so in a financially sound way in partnership with the States. The Act will provide rural communities with the opportunity to obtain technical assistance and managerial expertise from this Nation's most qualified experts on the management, maintenance, and upkeep of infrastructure facilities, the U.S. Army Corps of Engineers. I ask unanimous consent to provide for the RECORD a section-by-section summary of this legislation at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RURAL WATER SUPPLY ASSISTANCE ACT
SECTON-BY-SECTION ANALYSIS

TITLE I

Contains the short title, statements of findings and purpose and definitions.

TITLE II—ADMINISTRATION

The Secretary of the Army shall administer the program through a new Office of Water Supply located in the Corps of Engineers.

TITLE III—CAPITALIZATION OF REVOLVING FUNDS

The Secretary is authorized to pay each state its annual Federal share, upon payment of the State matching share. The States must agree to establish rural water supply assistance revolving funds; to deposit the 30% matching share required of each State; and to use both State and Federal funds within two years after the year of receipt.

TITLE IV—WATER SUPPLY ASSISTANCE REVOLVING FUNDS

Authorizes States to establish revolving funds and limits their use to water supply system improvements. Permits revolving funds to be used:

(1) to make loans at or below market rates, including interest free loans, up to 20 years, except that loans made to for-profit suppliers of water must be made at market rates of interest at terms not to exceed 20 years. Annual principal and interest payments are to commence not later than 1 year after project completion. Establishes that the loan recipient must establish a dedicated source of revenue for loan repayment and that the fund will be credited with all payments on all loans.

(2) to buy or finance debt obligations within the State at or below market rates, where such debt obligations occurred subsequent to enactment of this Act.

(3) to guarantee, secure, or purchase insurance for obligations where such action would improve credit market access or reduce interest rates.

(4) as a source of revenue or security for the payment of principal and interest on revenue of general obligation bonds issued by the State or other political subdivision if the proceeds of the sale of such bonds will be deposited in the fund.

(5) to provide loan guarantees for similar revolving funds established by local jurisdictions.

(6) to earn interest on fund accounts.

(7) for reasonable cost of administering the fund up to 4%.

(8) as a source of income for any recipient of a loan authorized by this section, if the loan was acquired from other sources than this revolving account.

Each State shall determine its own project priorities from a State maintained project list.

TITLE V—ALLOTMENT OF FUNDS

Sums allotted to a State under this Act shall be available in accord with the allocation provisions of the PWSS grant program of the Environmental Protection Agency. Uncommitted funds are to be made available for reallotment in accordance with the most recent fund allotment formula under this Act.

TITLE VI—AUDITS AND REPORTS

Requires the usual audits and reports regarding use of Federal funds. Also requires (1) an Implementation Plan detailing the State's rural water supply improvement strategy; (2) an annual report describing the State's performance relative to the preceding fiscal year's Implementation Plan, and (3) a report to the Congress by the Secretary on the status of the program one year after the date of enactment.

TITLE VII—TECHNICAL ASSISTANCE

The Corps of Engineers is authorized to provide technical assistance on a fully reimbursable basis, for the development of water system improvement designs, plans, specifications, and the development of management techniques.

TITLE VIII—AUTHORIZATION OF APPROPRIATIONS

Authorizes the appropriation of $250 million per year for 5 fiscal years following the date of enactment of the Act for the capitalization of the State rural water supply system revolving funds.

Mr. President, most of the concepts included in this bill are not new. The legislation essentially provides Federal seed money to permit States to establish revolving fund banks for providing leveraged financing to rural water systems which serve less than 3,300 people. The Federal cost of the bill over 5 years would total $1.25 billion, and the States would be required to contribute an additional $375 million. These funds will prime the self-financing pump and enable States to deal with rural water supply needs for generations to come.

This legislation will address a daily health and safety problem for 25 million Americans. It will do so in partnership with the States, and it will do so for less than one-tenth of 1 percent of the annual Federal budget spread over 5 years.

I urge my colleagues to consider this proposal carefully, and I ask for their constructive comments on it.

This is legislation of vital concern to rural America, Mr. President. I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1296

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Rural Water Supply Assistance Act of 1989".

FINDINGS AND PURPOSE

SEC. 2. (a) FINDINGS.—The Congress finds that—

(1) many rural water supply systems are inadequate or insufficient to provide for existing and future needs;

(2) many rural water supply systems have deteriorated to the degree that a reliable supply of water is in jeopardy and large quantities of water are being or may be wasted;

(3) rural water supply systems serve less than 3300 individuals, and have no ready access to financial markets;

(4) improvement, renewal, rehabilitation, repair and modernization of rural water supply systems is important for public health and economic growth;

(5) to improve rural water supply systems, capital must be available to accomplish improvement, renewal, rehabilitation, repair, and modernization of such systems, and

(6) improvement of rural water supply systems is a national goal, and the Federal government should provide assistance to the States in making capital available for the improvement, renewal, rehabilitation, repair and modernization of rural water supply systems.

(b) PURPOSE.—The Congress declares that the purpose of this Act is to establish an account from which capitalization grants will be made to States for the purpose of establishing revolving funds for use by the States to finance the improvement, renewal, rehabilitation, repair and modernization of rural water supply systems.

DEFINITIONS

SEC. 3. (a) The term "Construction" shall mean the acquisition, erection, building, alteration, improvement, reconstruction, renovation or rehabilitation of a rural water supply system or water facility, as the case may be, and as defined herein; the inspection and supervision thereof; and the engineering, architectural, legal, economic and environmental investigations and studies, surveys, designs, plans, working drawings, specifications, procedures and other actions incidental thereto.

(b) The term "Person" shall mean any State, municipality, agency or instrumentality of a State or municipality, individual, corporation, company or partnership.

(c) The term "Rural Water Supply System" shall mean any community or non-community system of water facilities for the provision to the public of piped water for human consumption, if such system has at least fifteen service connections or regularly serves at least twenty-five, but no more than three thousand three hundred individuals.

(d) The term "Real property" shall mean lands, structures, franchises and interests in land, water, land under water, groundwater riparian rights and air rights and any and all things and rights included within said term and includes not only fees simple absolute, but also any and all lesser interests including, but not limited to, easements, rights of way, uses, leases, licenses and all other incorporeal hereditaments and every estate, interest or rights, legal or equitable, including terms for years and liens thereon by way of judgments, mortgages or otherwise.

(e) The term "Revolving fund" shall mean a rural water supply assistance revolving fund established by a State meeting the requirements of Title four of this Act.

(f) The term "State" shall mean, in addition to the several States, American Samoa, Guam, Northern Marianas, Puerto Rico, Pacific Trust Territories and the Virgin Islands.

(g) The term "State agency" shall mean any State office, department, board, commission, bureau or division, or other agency or instrumentality of the State.

(h) The term "Supplier of water" shall mean any person who owns or operates a rural water supply system.

(i) The term "Water facility" or "Water facilities" shall mean all or any portion of a rural water supply system including plants, structures and other rural and personal property acquired, rehabilitated, or constructed or planned for the purpose of supplying or distributing water, including but not limited to surface or groundwater reservoirs, basins, dams, canals, aqueducts, standpipes, conduits, pipelines, mains, pumping stations, water distribution systems, compensating reservoirs, intake stations, waterworks, or sources of water supply, wells, connections, water meters, rights of flowage or division and other plants, structures, equipment, conveyance, real or personal property or rights therein and appurtenances thereto necessary or useful and convenient for the accumulation, supply or distribution of water.

(j) The term "Water system improvements" shall mean the construction of water facilities for the purposes of improving, renewing, rehabilitating, conserving, repairing or modernizing such system. "Water system improvements" shall not include expansion of an existing public water system. "Water system improvements" shall also mean the combination, integration or consolidation of several rural water supply systems for the purpose of regional water supply management, provided that building construction permits for all structures served by such systems to be consolidated, integrated, or combined were issued prior to the date of enactment of this Act.

(k) The term "Secretary" for the purposes of this Act means the Secretary of the Army.

TITLE II: ADMINISTRATION

SEC. 201. The Secretary of the Army, acting through the Chief of Engineers, shall act as the administrator of the authorities of this Act.

SEC. 202. To implement the authorities of this Act there shall be established within six months of the date of enactment of this Act in the Directorate of Civil Works of the Office of the Chief of Engineers an Office of Water Supply. The Chief Administrator of this Office shall have an educational background or work related experience in public policy, economics, finance, or financial management.

TITLE III: CAPITALIZATION OF REVOLVING FUNDS

GRANTS TO THE STATES FOR THE ESTABLISHMENT OF REVOLVING FUNDS

SEC. 301. Subject to the provisions of this Act, the Secretary shall make capitalization grants to each State for the purpose of establishing a rural water supply assistance revolving fund for providing assistance for construction of water system improvements for rural water supply systems.

SEC. 302. A State shall enter into an agreement with the Secretary in order to receive a capitalization grant under this Act. This agreement shall certify to the satisfaction of the Secretary that:

(1) the State will accept grant payments with funds to be made available under this title and will deposit all such payments in the rural water supply assistance revolving fund established by the State in accordance with this Act;

(2) the State will deposit in the revolving fund from State moneys an amount equal to at least 30 percent of the total annual amount of all capitalization grants which will be made to the State with funds to be made available under this Act on or before the date on which each grant payment will be made to the State under this Act;

(3) the State will apply or enter into binding commitments to provide assistance, in accordance with the requirements of this Act, in an amount equal to 130 percent of the amount of each such grant payment within 2 years after the receipt of such grant payment;

(4) the State will expend or apply all moneys in the fund in an expeditious and timely manner;

(5) the State will commit and expend or apply each grant payment which it will receive under this title in accordance with laws and procedures applicable to the commitment and expenditure or application of revenues of the State or state agency holding the revolving fund;

(6) the State will use accounting, audit, and fiscal procedures conforming to generally accepted government accounting standards in carrying out the requirements of Title Six of this Act.

(7) the State will require as a condition of making a loan or providing other assistance, as described in Section 404 of this Act, from the fund that the recipient of such assistance will maintain project accounts in accordance with generally accepted practices, as applicable; and

(8) the State will make annual reports to the Secretary on the actual use of funds in accordance with Section 604 of this Act.

SEC. 303. The Secretary will pay to each State, upon deposit by the State of the State share described in Section 302 of this Act, the amount of the capitalization grant to be made to the State under this Act.

TITLE IV: WATER SUPPLY ASSISTANCE REVOLVING FUNDS

SEC. 401. Before a State may receive a capitalization grant with funds made available under this Act, the State shall first establish a rural water supply assistance revolving fund which complies with the requirements of this Act.

SEC. 402. State rural water supply assistance revolving funds established pursuant to this Act shall be administered by the State or an agency or instrumentality of the State with such powers and limitations as may be required to operate such fund in accordance with the requirements and objectives of this Act.

SEC. 403. Funds provided to each State rural water supply assistance revolving fund under the provisions of this Act shall be used only for providing financial assistance to any municipality, intermunicipal agency, interstate agency, State agency or instrumentality or supplier of water for construction of water system improvements that are

part of a rural water supply system. The fund shall be established, maintained, and credited with repayments, and the fund balance shall be available in perpetuity for providing such financial assistance.

SEC. 404. Except as otherwise limited by State law, a rural water supply assistance revolving fund of a State under this Act may be used:

(a) to make loans to suppliers of water, on the condition that:

(1) such loans are made at or below market interest rates, including interest free loans, at terms not to exceed 20 years;

(2) annual principal and interest payments will commence not later than 1 year after completion of any project and all loans will be fully amortized not later than 20 years after project completion;

(3) the recipient of a loan will establish a dedicated source of revenue for repayment of loans;

(4) the fund will be credited with all payments of principal and interest on all loans; and

(5) any such loans made to a for-profit supplier of water shall be made only at market interest rates, at terms not to exceed 20 years.

(b) to buy or refinance the debt obligation of municipalities and intermunicipal and interstate agencies within the State at or below market rates, where such obligations were incurred subsequent to the enactment of this Act.

(c) to guarantee, secure, or purchase insurance for State or local obligations where such action would improve credit market access or reduce interest rates;

(d) as a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the State or any political subdivision or instrumentality of the State if the proceeds of the sale of such bonds will be deposited in the fund;

(e) to provide loan guarantees for similar revolving funds established by municipalities or intermunicipal agencies;

(f) to earn interest on fund accounts;

(g) for the reasonable costs of administering the State fund, except that not more than 4 percent of all grant awards to such fund under this title may be used for such purpose; and

(h) as a source of income for any recipient of a loan authorized by paragraph (a) of this section, if the loan was made from sources other than (1) grant awards made to the State under this title and (2) State moneys required to be deposited in the fund as a condition to receipt of a grant award.

SEC. 405. The determination of the priority to be given for the construction of water system improvements for rural water supply systems within each State shall be made solely by the State.

SEC. 406. The State may provide financial assistance from its rural water supply assistance revolving fund only for projects for construction of water facilities if such project is on the State's current priority list. Such assistance may be provided regardless of the rank of such project on such list.

TITLE V: ALLOTMENT OF FUNDS

SEC. 501. Sums authorized to be appropriated to carry out this Act shall be allotted by the Secretary in accordance with the formula developed in accord with the allocation provisions of the PWSS grant program of the Environmental Protection Agency as defined in 40 CFR 35.115(e).

SEC. 502. If the Secretary determines that a State has not complied with the provisions of this Act, the Secretary shall immediately notify the State of such non-compliance and the action required to achieve compliance.

SEC. 503. If a State does not take corrective action within 60 days after the date it receives notification of non-compliance, the Secretary may withhold additional payments to the State pursuant to this Act until the necessary corrective action is taken.

SEC. 504. If the Secretary is not satisfied that adequate corrective actions have been taken by the State within a year after the State is notified that such actions are necessary to comply with the provisions of this Act, the payments withheld from the State by the Secretary under Section 503 of this Act will be made available for reallotment in accordance with the most recent formula for allotment of funds under this Act.

TITLE VI: AUDITS AND REPORTS

SEC. 601. Each State electing to establish a rural water supply assistance revolving fund under this Act shall establish fiscal controls and accounting procedures sufficient to assure proper accounting during appropriate accounting periods for:

(1) payments received by the fund;

(2) disbursements made by the fund;

(3) investment earnings collected by the fund; and

(4) fund balances at the beginning and end of the accounting period.

SEC. 602. Audits for the use of funds deposited in the rural water supply assistance revolving fund established by such State shall be conducted on an annual basis by the Secretary in accordance with the auditing procedures of the General Accounting Office, including Chapter 75 of Title 31, United States Code.

SEC. 603. After providing for public comment and review, each State shall annually prepare an Implementation Plan identifying the planned uses of the amounts available to its rural water supply assistance revolving fund. Such plan shall include, but not be limited to:

(1) a list of those projects for construction of water system improvements;

(2) a description of the short-term and long-term goals and objectives of its rural water supply assistance revolving fund;

(3) information on the activities to be supported;

(4) assurances and specific proposals for meeting the requirements of paragraphs (3) and (4) of Section 302 of this Act, Section 403 and 404 of this Act; and

(5) the criteria and method established for the distribution of funds.

SEC. 604. Beginning the first fiscal year after the receipt of payments under this Act, the State shall provide an annual report to the Secretary describing how the State has met the goals and objectives of this Act as outlined in its Implementation Plan for the preceding fiscal year. This report shall include the identification of loan recipients, loan amounts, loan terms and investment interest accumulated and similar details on other forms of financial assistance provided from the rural water supply assistance revolving fund.

SEC. 605. (a) Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the financial status and operations of rural water supply assistance revolving funds established by the States under this Act. The Secretary shall prepare such report in cooperation with the States.

(b) This report shall include, at minimum, the following information:

(1) an assessment of the operations, loan portfolio, and loan conditions of such revolving funds;

(2) an assessment of the effect on user charges of the assistance provided by such revolving funds; and

(3) an assessment of the efficiency of the operation and maintenance of water facilities constructed with assistance provided by such revolving funds.

TITLE VII: TECHNICAL ASSISTANCE

SEC. 701. The Secretary, acting through the Chief of Engineers, is authorized to provide technical assistance to any rural water supply system for the construction of any water system improvements, provided that such technical assistance is provided on a fully reimbursable basis; and provided further that such technical assistance shall not include the physical construction or construction management of any water system improvement.

SEC. 702. For the purposes of this Act the term "technical assistance" shall include, but not be limited to, the development of water system improvement designs, plans, specifications, and the development of management techniques including, but not limited to, accounting systems, maintenance schedules, and other forms of system analysis directed at improving the efficiency of the operation and management of a rural public water supply system.

TITLE VIII: AUTHORIZATION OF APPROPRIATIONS

SEC. 801. There is authorized to be appropriated to the Secretary, for allocation to the states as specified in Section 501 of this Act, $250,000,000 for each of the five successive fiscal years beginning after the date of enactment of this Act.●

By Mr. DURENBERGER:

S. 1297. A bill to permit secondary mortgage market financing for residential properties that include small day care centers; to the Committee on Banking, Housing, and Urban Affairs.

SMALL DAY CARE CENTER ASSISTANCE ACT

● Mr. DURENBERGER. Mr. President, we have all had the opportunity to debate and discuss the problems surrounding child care in this country. During this debate, I think many of us have learned about the important role family day care provides in meeting the needs of today's families. As you know, 78 percent of child care services are provided in the home or by a family day care provider. Because of this large percentage of children being cared for in the home, I would like to bring to your attention a problem many family day care providers face when trying to operate a day-care facility from their home.

Mr. President, as you know, Fannie Mae and Ginnie Mae and Freddie Mac are federally chartered corporations which purchase home mortgages in the secondary mortgage market. The Federal charters under which these corporations operate limit their involvement to residential mortgages. Because the definition of residential excludes homes with income-producing activities, mortgages on homes where a family day care center is lo-

cated would not be purchased by these corporations. As a result, bankers are often unwilling to extend mortgages or refinancing to homes with family day care centers because the bank, in turn, will not be able to sell these mortgages to Fannie Mae, Freddie Mac, or Ginnie Mae.

The bill I am introducing today would amend the Federal charters for Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation to permit mortgages for homes with family day care centers to be eligible for purchase by Fannie Mae, Ginnie Mae, and Freddie Mac.

While we know that family day care centers are not a large business enterprise—a family day care center is by definition operated in a providers home—it does represent a significant percentage of day care services provided in this country.

As it has been demonstrated during the course of earlier debate over child care legislation, there is a tremendous need for quality, affordable child care in this country. The need is particularly acute in Minnesota where the percentage of women working outside the home is the third highest in the country.

I think that as we continue to debate the issue of child care in this country, we must also be mindful of ways to reduce institutional barriers that have prevented the growth of current services. The bill I am introducing today will remove existing policy which penalizes family day care providers who wish to purchase or refinance their homes. There is no cost associated with this bill. I am also pleased to note that this bill will again be incorporated into the Economic Equity Act of 1989 which is expected to be introduced in the near future, and that Congresswoman MARY KAPTUR will be introducing this bill in the House. I invite my colleagues to support this important initiative.

I ask unanimous consent that the text of the bill be printed into the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1297

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Day Care Center Assistance Act".

SEC. 2. AMENDMENT TO FEDERAL NATIONAL MORTGAGE ASSOCIATION CHARTER ACT.

Section 302(b) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)) is amended by adding at the end thereof the following new paragraph:

"(6) For purposes of this title, the term 'mortgage' includes a mortgage secured by a 1- to 4-family residential property that is occupied as a residence and in which child care service is provided in compliance with all applicable State and local laws, if the mortgage is otherwise eligible for purchase under this title.".

SEC. 3. AMENDMENT TO FEDERAL HOME LOAN MORTGAGE CORPORATION ACT.

Section 302(h) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451(h)) is amended by adding at the end thereof the following new sentence: "The term 'residential mortgage' also includes a mortgage secured by a 1- to 4-family residential property that is occupied as a residence and in which child care service is provided in compliance with all applicable State and local laws, if the mortgage is otherwise eligible for purchase under this title.".●

By Mr. HATCH (by request):

S. 1298. A bill to reauthorize programs under the Domestic Volunteer Service Act of 1973 (hereafter in this act referred to as the "Act"), and for other purposes; to the Committee on Labor and Human Resources.

DOMESTIC VOLUNTEER SERVICE ACT AMENDMENTS

Mr. HATCH. Mr. President, there are a number of bills which have been introduced in an effort to rekindle the spirit of volunteerism in America. In fact, hearings have been held in both the House and the Senate to examine these proposed programs and to lead us toward bypartisan legislation. Throughout these hearings, witnesses have consistently testified that any Federal activity must capitalize on the strong network of existing volunteer organizations. One such organization, designed to help local volunteer groups establish independent organizations, is the national volunteer agency, ACTION. For a quarter of a century, VISTA volunteers have been working to combat poverty in their local communities. In addition, the older American volunteer programs—the Retired Senior Volunteer Program, the Senior Companion Program, and the Foster Grandparent Program—have enabled almost half a million seniors to make significant contributions to children, the disabled, and even the frail elderly in their local communities. In this age of volunteerism, we must recognize the central role played by ACTION.

At the request of President Bush, I am pleased to introduce the administration's bill for the reauthorization of ACTION. I have agreed to introduce this bill by request because I believe that the continued funding of ACTION is imperative for the growth of volunteerism in America. However, I do not agree with all the components of this bill and will, therefore, also be introducing my own bill for the reauthorization of ACTION. I look forward to working with my colleagues on the Senate Labor and Human Resources Committee during the reauthorization process.

I ask unanimous consent that the complete text of the legislation and a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1298

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Domestic Volunteer Service Act Amendments of 1989".

VOLUNTEERS IN SERVICE TO AMERICA

SEC. 2. Section 109 of the Act is repealed.

TERMS AND PERIODS OF SERVICE

SEC. 3. Section 104(c) is amended by striking out "in section 5(j) of the Peace Corps Act, as amended (22 U.S.C. 2504(j))" and inserting in lieu thereof "for persons appointed to any office of honor of profit by section 3331 of title 5, and swear (or affirm) that he/she does not advocate the overthrow of our constitutional form of government in the United States, and that he/she is not a member of an organization that advocates the overthrow of our constitutional form of government in the United States, knowing that such organization so advocates".

SERVICE-LEARNING PROGRAMS

SEC. 4. Part B of title I of the Act is amended by changing the heading to STUDENT COMMUNITY SERVICE PROGRAMS and by striking out the words "service learning" wherever they appear and inserting in lieu thereof "community service".

NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS AUTHORIZATION

SEC. 5. Section 501 of the Act is amended to read as follows:

"NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS AUTHORIZATION"

"SEC. 501. (a)(1) There is authorized to be appropriated to carry out Part A of title I of this Act $23,615,000 for fiscal year 1990 and such sums as may be necessary for fiscal years 1991 and 1992.

"(b) There is authorized to be appropriated to carry out part B of title I of this Act $1,352,000 for fiscal year 1990, and such sums as may be necessary for fiscal years 1991 and 1992.

"(c) There is authorized to be appropriated to carry out part C of title I of this Act $1,050,000 for fiscal year 1990, and such sums as may be necessary for fiscal years 1991 and 1992. In addition to the amounts authorized to be appropriated by the preceding sentence, there is authorized to be appropriated $1,600,000 for fiscal year 1990, and such sums as may be necessary for fiscal years 1991 and 1992 for support of drug abuse prevention."

NATIONAL OLDER AMERICAN VOLUNTEER PROGRAMS

SEC. 6. Section 502 of the Act is amended to read as follows:

"NATIONAL OLDER AMERICAN VOLUNTEER PROGRAMS"

"SEC. 502. (a) There is authorized to be appropriated $30,862,000 for fiscal year 1990, and such sums as may be necessary for fiscal years 1991 and 1992 for the purpose of carrying out programs under Part A of title II of this Act.

"(b) There is authorized to be appropriated $58,928,000 for fiscal year 1990, and such sums as may be necessary for fiscal years 1991 and 1992 for the purpose of car-

rying out programs under part B of title II of this Act.

"(c) There is authorized to be appropriated $25,135,000 for fiscal year 1990, and such sums as may be necessary for fiscal years 1991 and 1992 for the purpose of carrying out part C of title II of this Act."

ADMINISTRATION AND COORDINATION

SEC. 7. Section 504 of the Act is amended to read as follows:

"ADMINISTRATION AND COORDINATION"

"SEC. 504. There is authorized to be appropriated for the administration of this Act, as authorized in title IV of this Act, $27,875,000 for fiscal year 1990 and such sums as may be necessary for fiscal years 1991 and 1992."

TECHNICAL AMENDMENTS

SEC. 8. The table of contents of the Act is amended by:

(a) striking out "Sec. 109. VISTA Literacy Corps";

(b) changing the name of TITLE I Part B to "Student Community Service Programs"; and

(c) changing the name of Section 114 to "Special Student Community Service Programs".

SECTION-BY-SECTION ANALYSIS OF THE PROPOSED DOMESTIC VOLUNTEER SERVICE ACT AMENDMENTS OF 1989

SECTION 1. The title of the legislation.

SEC. 2. Would repeal section 109, VISTA Literacy Corps. The authority for administration of the volunteers currently enrolled under section 109 is covered by Section 103(a)(3). This change will enhance the ability of the Agency to more effectively and efficiently manage the resources and volunteers available.

SEC. 3. Would amend section 104 of the Act by striking out citation of the Peace Corps Act regarding the oath of service for VISTA Volunteers. This clarification is made necessary by the separation of Peace Corps from ACTION.

SEC. 4. Would change the name of the "Student Service Learning Program" to the "Student Community Service Program". This provision would clarify to the public, especially the academic community, the broader scope of ACTION's student volunteer programs. This should dispel any mistaken belief that such volunteer programs are confined to a narrowly drawn focus on experiential education.

SEC. 5. Would reauthorize current National Volunteer Antipoverty programs, title I of the legislation, providing for part A, $23,615,000 for fiscal year 1990 and such sums as may be necessary for fiscal years 1991 and 1992; for part B, $1,352,000 for fiscal year 1990 and such sums as may be necessary for fiscal years 1991 and 1992; for part C, $1,050,000 for fiscal year 1990, and such sums as may be necessary for fiscal years 1991 and 1992. In addition, it would authorize $1,600,000 for fiscal year 1990 and such sums as may be necessary for fiscal years 1991 and 1992 for support of drug abuse prevention.

SEC. 6. Would reauthorize current national Older American Volunteer Programs, title II of the legislation, providing for part A, $30,862,000, for fiscal year 1990 and such sums as may be necessary for fiscal years 1991 and 1992; for part B, $58,928,000 for fiscal year 1990 and such sums as may be necessary for fiscal years 1991 and 1992; and for part C, $25,135,000 for fiscal year 1990 and such sums as may be necessary for fiscal years 1991 and 1992.

SEC. 7. Would reauthorize program support at $27,875,000 for fiscal year 1990 and such sums as may be necessary for fiscal years 1991 and 1992.

SEC. 8. Contains technical amendments to conform table of contents.

By Mr. SPECTER (for himself, Mr. SASSER, Mr. RUDMAN, Mr. BRADLEY, Mr. LOTT, Mr. DODD, Mr. REID, Mr. LIEBERMAN, Mr. KERRY, and Mr. HEINZ):

S. 1299. A bill to establish a Police Corps Program; to the Committee on the Judiciary.

POLICE CORPS ACT

● Mr. SPECTER. Mr. President, today I am introducing a bill which will help to combat violent crime and drug violations and to preserve neighborhood safety by substantially increasing the number of police on patrol.

The vehicle to achieve this essential goal is the creation of a Police Corps Program which, like the Reserve Officer Training Corps [ROTC] Program, would provide educational assistance in exchange for a commitment to postgraduation police service. This bill is based on legislation I first introduced as S. 1524 in the 99th Congress.

Many cities and towns in this country need more police. Police departments are being stretched thin by the increase in violent crime over the last 40 years. Preventive community patrol, protecting neighborhood safety and peace, is sometimes sacrificed to allow prompt response to emergency calls.

The ratio of police officers to reported violent crimes has significantly declined during the last four decades. Reports indicate that in 1948, for every violent crime reported in a U.S. city, there were 3.22 police officers. Approximately 40 years later, however, the ratio dramatically changed, with one officer for every 3.1 violent crimes. In New York City in 1951, a police force of 19,000 coped with 15,812 violent crimes—fewer then one per officer. In 1987, a force of 27,523 confronted 148,313 violent crimes: more than five reported violent crimes for each officer.

In the Nation as a whole, we are allocating to violent crime one-sixth of the police power we mobilized 30 years ago. These statistics understate the problem because researchers believe there are two crimes not reported for every reported crime. But the worst understatements cannot be expressed in numbers. Rather they are engraved on the faces and in the hearts of American citizens who live in areas where the power and authority of law enforcement seem absent.

As I have stated on other occasions, crime is a complex subject. The underlying causes of crime are with us today as they have been with us for decades. Poverty, lack of housing, lack of adequate education, lack of job training, lack of jobs, lack of family structure—all are root causes of crime in this country, and more has to be done by the Congress of the United States in addressing those issues. At the same time, Mr. President, I submit that it is necessary to address the issues of arrest, prosecution, conviction, rehabilitation where possible, and incarceration where rehabilitation is not possible.

To begin this essential task, we must significantly augment the strength of the police forces in this country. More police on patrol in neighborhoods can help to reestablish community order and safety. Police patrol strengthens neighborhoods and contributes to domestic tranquillity.

Understrength police forces cannot hope to apprehend more than a fraction of the many criminals who have adopted crime as a profitable way of life. Clearance rates, even for violent crime, have dropped dramatically. As to property crime, most departments do not have the manpower even to investigate thefts of less than many thousands of dollars. In this regard, the poor always suffer the most: according to the National Crime Survey of the Bureau of Justice Statistics, black households lose 50 percent more to crime than do white households.

I believe that more police, patrolling aggressively and investigating a greater proportion of crimes, will significantly reduce criminal actively.

Accordingly, we must reestablish the force and effectiveness of the police. I believe that the Federal Government should stimulate and lead an effort to rebuild police strength in every threatened State and locality. I propose that we now undertake a national effort to increase State and local police forces, over the next 5 years, by adding up to 100,000 new officers. This number would allow us to increase actual patrol forces, in many threatened areas, by over 50 percent.

We should recruit to police service highly qualified young men and women. We have historic precedent. In times of national emergency, the bulk of our military officers have been drawn not from the career forces, but from the citizenry at large. They have been volunteers, who after their tour of duty have returned to their civilian occupations. And to these volunteers, we have offered a free higher education as an inducement and a recognition of their service. We do this today, in the Reserve Officer Training Corps [ROTC] programs that now train the majority of the Nation's junior military officers, and make higher education possible for thousands of young adults.

I propose that we should now do the same for the police. We should recruit many thousands of our finest young people to police service, by offering them a free college or professional

education in return for a 4-year term of service with a cooperating State or local police department.

The Police Corps is an innovative plan for upgrading and augmenting law enforcement resources, developed under a Justice Department grant by a distinguished New York attorney, Adam Walinsky; a former Philadelphia policeman, Jonathan Rubenstein; and others at the Center for Research on Institutions and Social Policy. This program offers an expeditious way for State and local police to augment their forces with well-educated and enthusiastic young people who will add an important new dimension to police service.

As with the military's Reserve Officer Training Corps [ROTC], acceptance into the Police Corps Program would guarantee substantial educational assistance to students. Through the Police Corps Program, a student would be able to obtain federally guaranteed Federal, State, or private loans or be reimbursed for educational expenses up to $40,000. In exchange for this educational assistance, the graduate would serve 4 years in the State police or in a local police department within the sponsoring State. Only upon completion of the 4 years of service will the loans be repaired by the Government. This provision will help ensure that a participant in the program honors his or her full 4-year commitment to service.

Mr. President, the view that a college education provides valuable training for police officers is not new. In 1967, the report by the President's Commission on Law Enforcement and Administration of Justice emphasized that postsecondary education of police personnel would contribute significantly to improved crime control:

> Police work always will demand quick reflexes, law enforcement know-how and devotion to duty, but modern police work demands much more than that * * *. Police candidates must be sought in the colleges, and especially among liberal arts and social science students.

This conclusion subsequently was supported by the Advisory Commission on Intergovernmental Relations in 1971; by the American Bar Association in 1972; and by the National Advisory Commission on Criminal Justice Standards and Goals, on which I served, in 1973.

Yet, to date, higher education in the police forces has generally been restricted to college courses in criminal justice for career officers.

The Police Corps will produce young men and women well qualified to meet the challenges of contemporary law enforcement. These recruits not only will gain the general benefits of education and experience at a college, but also will spend 16 weeks at a Police Corps training center. Following the completion of this stringent Federal training, the program participants may receive additional appropriate training to be conducted under the direction of the law enforcement body in which the participant will serve.

This rigorous program will yield well-trained, well-disciplined, and well-rounded individuals who bring to the job not only enhanced professionalism, but a great flexibility and sensitivity to the environment in which police must function. These officers will be well equipped to deal with the new challenges in police work such as racial tensions in the community and gang warfare.

Another significant aspect of this program is that it is likely to result in a police force more reflective of the community it serves, because students will fulfill their service commitment in police departments in their home States. And student surveys conducted as part of the feasibility study for this project reveal that the program will attract many well-qualified minority students.

According to this feasibility study, of all college students surveyed by the Department of Justice, over 40 percent said they would be "very likely" or "fairly likely" to join a Police Corps Program. Over 45 percent of minority college students surveyed said they would be likely to join. Fifty percent of those likely to join had grade point averages of B or better; half had scores of over 500 on the math portion of the scholastic aptitude test [SAT]; and 53 percent planned to study for advanced degrees.

Equally important, this program would make large numbers of new police officers readily available to States and localities by guaranteeing a well-qualified pool of recruits. Also, the service of Police Corps officers would cost less than the service of regular career officers because graduates who serve 4-year terms will not become eligible for pensions which are a major element of police costs.

This legislation is intended to provide immediate relief to overburdened municipalities. The summer training is designed to allow these new officers to begin providing essential service expeditiously. In addition, the program would be available to those who are currently college seniors and juniors, many of whom already have incurred heavy debt burdens. If they embark on a program of Police Corps service immediately upon graduation, the Federal Government would reimburse their educational expenses or assist them with graduate study.

Since its inception, this innovative and practical proposal has received a number of endorsements. Numerous articles have been written applauding the Police Corps concept and urging its consideration.

Mr. President, this bill has the support of several major law enforcement organizations, including the Fraternal Order of Police, the International Brotherhood of Police Officers, the Federal Law Enforcement Officers Association, the Major City Chiefs, the Police Executive Research Forum, the National Organization of Black Law Enforcement Executives, the National Sheriffs Association, and the National Association of Police Organizations. The support of these important national groups will help ensure that the Police Corps Program is widely utilized to bolster local law enforcement agencies in their fight against street crime.

I am continuing to seek input and advice from law enforcement and criminal justice experts around the country. It is my strong sense, however, that this program offers great hope in our ongoing struggle to bring greater security to our streets and homes. Accordingly, I urge my colleagues to join me in support of this Police Corps Program legislation.

Mr. President, I ask unanimous consent that the text of the bill and a section-by-section analysis be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1299

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Police Corps Act".

SEC. 2. PURPOSES.

The purposes of this Act are to—

(1) address the very high level of violent crime and neighborhood deterioration afflicting communities throughout the Nation by substantially increasing the number of trained police on community patrol;

(2) provide educational assistance to those students of ability, character, and dedication who possess a sincere interest in dedicating 4 years to public service and law enforcement; and

(3) establish opportunities for meaningful community service in exchange for educational assistance.

SEC. 3. DEFINITIONS.

For the purposes of this Act—

(1) the term "academic year" means a traditional academic year beginning in August or September and ending in the following May or June;

(2) the term "dependent child" means a natural or adopted child or stepchild of a law enforcement officer who at the time of the officer's death—

(A) was no more than 21 years old; or

(B) if older than 21 years, was in fact dependent on the child's parents for at least one-half of the child's support (excluding educational expenses), as determined by the Director;

(3) the term "Director" means the Director of the Office of the Police Corps appointed pursuant to section 4(b);

(4) the term "educational expenses" means expenses that are directly attributable to—

(A) a course of education leading to the award of the baccalaureate degree; or

(B) a course of graduate study following award of a baccalaureate degree,

including the cost of tuition, fees, books, supplies, transportation, room and board and miscellaneous expenses;

(5) the term "participant" means a participant in the Police Corps program selected pursuant to section 6;

(6) the term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands; and

(7) the term "State Police Corps program" means a State police corps program approved under section 9.

SEC. 4. ESTABLISHMENT OF OFFICE OF THE POLICE CORPS.

(a) ESTABLISHMENT.—There is established in the Department of Justice, under the general authority of the Attorney General, an Office of the Police Corps.

(b) APPOINTMENT OF DIRECTOR.—The Office of the Police Corps shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate.

(c) RESPONSIBILITIES OF DIRECTOR.—The Director shall be responsible for the administration of the Police Corps program pursuant to this Act and shall have authority to promulgate regulations to implement this Act.

SEC. 5. EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—(1) The Director is authorized to pay the educational expenses of a participant in a State Police Corps program, by—

(A) entering into an agreement to repay, and repaying, an educational loan; and

(B) entering into an agreement to repay, and repaying, a participant for educational expenses paid out of the participant's funds.

(2) It is the intent of this Act that there shall be no more than 25,000 participants in each graduating class. The Director shall approve State plans providing in the aggregate for such enrollment of applicants as shall assure, as nearly as possible, annual graduating classes of 25,000. In a year in which applications are received in a number greater than that which will produce, in the judgment of the Director, a graduating class of more than 25,000, the Director shall, in deciding which applications to grant, give preference to those who will be participating in State plans that provide law enforcement personnel to areas of greatest need.

(3) Except for payments of interest on an educational loan, repayment under an agreement made pursuant to paragraph (1) shall be made following completion of a participant's course of educational study, Federal training, and service as required by this Act.

(4) Repayment of an educational loan made pursuant to paragraph (1) may be made in the form of direct payment to a lender or reimbursement of a participant for payments made to a lender.

(5) An educational loan that may be repaid under paragraph (1) is a loan made pursuant to or in connection with a Federal, State, local, or private loan or loan guarantee program designated by the Director and other loans that meet terms prescribed by the Director by regulation.

(b) ADMISSION OF APPLICANTS.—An applicant may be admitted into a State Police Corps program either before commencement of or during the applicant's course of educational study.

(c) PAYMENT OF EDUCATIONAL EXPENSES.—(1) The Director may agree to repay an educational loan and to reimburse a participant for expenditures made prior to or after the time that a participant applies for admission to a State Police Corps program.

(2) The amounts of educational expenses that the Secretary may pay under this section are limited as follows:

(A)(i) The amount of educational expenses incurred by a participant to cover the cost of an academic year of study that the Director may pay is limited to $10,000.

(ii) In the case of a participant who is pursuing a course of educational study during substantially an entire calendar year, the amount of educational expenses incurred by a participant to cover the cost of such a calendar year that the Director may pay is limited to $13,333.

(B) The amount of educational expenses incurred by a participant to cover the cost of undergraduate and graduate study is limited to $40,000 in the aggregate, regardless whether the time of study exceeds 4 years.

(d) DIRECTOR'S OBLIGATION TO PAY.—(1) The Director's obligation to pay a participant's educational expenses under this section shall be void, and the Director shall be entitled to recover from the participant the amount of any interest on an educational loan that the Director has paid, if the participant fails to complete satisfactorily—

(A) the course of educational study undertaken by the participant;

(B) Federal training as required by section 7; and

(C) service as required by section 8;

unless the failure is the result of death or permanent physical or emotional disability.

(2) For the purpose of paragraph (1), a participant shall be deemed to have completed satisfactorily—

(A) an educational course of study upon receipt of a baccalaureate degree (in the case of educational expenses incurred to cover the cost of undergraduate study) or the reward of credit to the participant for having completed one or more graduate courses (in the case of educational expenses incurred to cover the cost of graduate study);

(B) Federal training upon certification by the Director of Training that the participant has met such performance standards as may be established pursuant to section 7(d); and

(C) service on a police force upon completion of 4 years of service on the force without there having arisen sufficient cause for the participant's dismissal under the rules applicable to members of the police force of which the participant is a member.

(3) As a condition to payment of educational expenses of a participant who fails to complete a course of educational study, training, or service as a result of permanent physical or emotional disability, the Director may require the participant to perform appropriate alternative community service.

(e) DEPENDENT CHILD.—A dependent child of a law enforcement officer—

(1) who is a member of a State or local police force or is a Federal criminal investigator or uniformed police officer,

(2) who is not a participant in the Police Corps program, but

(3) who serves in a State for which the Director has approved a Police Corps plan, and

(4) who is killed in the course of performing police duties,

shall be entitled to the educational assistance authorized in this section. Such dependent child shall not incur any service obligation in exchange for the educational assistance provided in this section.

(f) GROSS INCOME.—For purposes of section 61 of the Internal Revenue Code of 1986, a participant's or a dependent child's gross income shall not include any amount paid as educational assistance under this section or as a stipend under section 7.

SEC. 6. SELECTION OF PARTICIPANTS.

(a) IN GENERAL.—Participants in State Police Corps programs shall be selected on a competitive basis by each State under regulations prescribed by the Director.

(b) SELECTION CRITERIA AND QUALIFICATIONS.—(1) In order to participate in a State Police Corps program, a participant must—

(A) be a citizen of the United States or an alien lawfully admitted for permanent residence in the United States;

(B) meet the requirements for admission as a trainee of the State or local police force to which the participant will be assigned pursuant to section 9(c)(5), including achievement of satisfactory scores on any applicable examination, except that failure to meet the age requirement for a trainee of the State police shall not disqualify the applicant if the applicant will be of sufficient age upon completing an undergraduate course of study;

(C) possess the necessary mental and physical capabilities and emotional characteristics to discharge effectively the duties of a law enforcement officer;

(D) be of good character and demonstrate sincere motivation and dedication to law enforcement and public service;

(E) in the case of an undergraduate, agree in writing that the participant will complete an educational course of study leading to the award of a baccalaureate degree and will then accept an appointment and complete 4 years of service as an officer in the State police or in a local police department within the State;

(F) in the case of a participant desiring to undertake or continue graduate study, agree in writing that the participant will accept an appointment and complete 4 years of service as an officer in the State police or in a local police department within the State before undertaking or continuing graduate study;

(G) contract, with the consent of the participant's parent or guardian if the participant is a minor, to serve for 4 years as an officer in the State police or in a local police department, if an appointment is offered; and

(H) except as provided in paragraph (2), be without previous law enforcement experience.

(2)(A) Until the date that is 5 years after the date of enactment of this Act, up to 10 percent of the applicants accepted into the Police Corps program may be persons who—

(i) have had some law enforcement experience; and

(ii) have demonstrated special leadership potential and dedication to law enforcement.

(B)(i) The prior period of law enforcement of a participant selected pursuant to subparagraph (A) shall not be counted toward satisfaction of the participant's 4-year service obligation under section 8, and such a participant shall be subject to the same benefits and obligations under this Act as other participants, including those stated in section (b)(1) (E) and (F).

(ii) Clause (i) shall not be construed to preclude counting a participant's previous period of law enforcement experience for purposes other than satisfaction of the requirements of section 8, such as for purposes of determining such a participant's pay and other benefits, rank, and tenure.

(c) RECRUITMENT OF MINORITIES.—Each State participating in the Police Corps program shall make special efforts to seek and recruit applicants from among members of racial and ethnic groups whose representation on the police forces within the State is substantially less than in the population of the State as a whole. This subsection does not authorize an exception from the competitive standards for admission established pursuant to subsections (a) and (b).

(d) ENROLLMENT OF APPLICANT.—(1) An applicant shall be accepted into a State Police Corps program on the condition that the applicant will be matriculated in, or accepted for admission at, an institution of higher education (as described in the first sentence of section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)))—

(A) as a full-time student in an undergraduate program; or

(B) for purposes of taking a graduate course.

(2) If the applicant is not matriculated or accepted as set forth in paragraph (1), the applicant's acceptance in the program shall be revoked.

(e) LEAVE OF ABSENCE.—(1) A participant in a State Police Corps program who requests a leave of absence from educational study, training or service for a period not to exceed 1 year (or 18 months in the aggregate in the event of multiple requests) due to temporary physical or emotional disability shall be granted such leave of absence by the State.

(2) A participant who requests a leave of absence from educational study, training or service for a period not to exceed 1 year (or 18 months in the aggregate in the event of multiple requests) for any reason other than those listed in paragraph (1) may be granted such leave of absence by the State.

(3) If a participant who has taken a leave of absence pursuant to paragraph (1) or (2) fails or is unable to resume educational study, training, or service after the expiration of the leave of absence, the provision of section 5(c) shall apply.

(f) IN-STATE TUITION.—At least 50 percent of the applicants admitted to a State Police Corps program must qualify for and be obligated to pay no more than the in-State tuition rates at the institutions they attend.

SEC. 7. LAW ENFORCEMENT TRAINING.

(a) IN GENERAL.—The Director shall establish up to 3 training centers to provide training to participants in State Police Corps programs.

(b) TRAINING SESSIONS.—A participant in a State Police Corps program shall attend two 8-week training sessions at a training center, at times determined by the Director.

(c) COURSE OF TRAINING.—The training sessions at training centers established under this section shall be designed to provide basic law enforcement training, including vigorous physical and mental training to teach participants self-discipline and organizational loyalty and to impart knowledge and understanding of legal processes and law enforcement.

(d) EVALUATION OF PARTICIPANTS.—A participant shall be evaluated during training for mental, physical, and emotional fitness, and shall be required to meet performance standards prescribed by the Board of Directors established pursuant to subsection (f) at the conclusion of each training session in order to remain in the Police Corps program.

(e) STIPEND.—The Director shall pay participants in training sessions a stipend of $250 a week during training.

(f) BOARD OF DIRECTORS.—(1) The training centers shall be administered by a Board of Directors (in this subpart referred to as the 'Board'). The Board shall consist of—

(A) 9 persons outstanding in the fields of law enforcement, education, law and law enforcement education who shall be appointed by the President, by and with the advice and consent of the Senate, 2 of whom shall be members of a national police labor organization and 2 of whom shall be members of a national police management organization;

(B) the Attorney General or a designee of the Attorney General, who shall be an ex officio member; and

(C) the Director, who shall serve as chairman.

(2) The term of office of a member of the Board (other than the Attorney General or designee of the Attorney General and other than the Director) shall be 6 years, except that—

(A) a member appointed to fill a vacancy occurring before the expiration of the term for which the appointee's predecessor was appointed shall be appointed for the remainder of such term;

(B) the terms of office of the members first taking office shall expire, as designated by the President at the time of the appointment, three at the end of 2 years, three at the end of 4 years, and three at the end of 6 years; and

(C) a member whose term of office has expired shall continue to serve until the member's successor is appointed.

(3) Members of the Board, while away from their homes or regular places of business in the performance of services for the Board, shall be entitled to receive compensation at a rate to be fixed by the Director, not exceeding $100 a day, and shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

(4) The Director shall obtain the services of such military and civilian instructors and administrative and other employees as may be necessary to operate the training centers. The Director is authorized to enter into contracts with individuals, institutions of learning, and government agencies (including State and local police forces) to obtain the services of persons qualified to participate in and contribute to the training process.

(5) The Director is authorized to enter into agreements with agencies of the Federal Government to utilize on a reimbursable basis space in Federal buildings and other resources.

(6) The Director may authorize such expenditures as are necessary for the effective maintenance of the training centers, including purchases of supplies, uniforms, and educational materials, and the provision of subsistence, quarters, and medical care to participants.

(g) FURTHER TRAINING.—The 16 weeks of Federal training authorized in this section is intended to serve as basic law enforcement training but not to exclude further training of participants by the State and local authorities to which they will be assigned. Each State plan approved by the Director under section 9 shall include assurances that following completion of Federal training each participant shall receive appropriate additional training by the State or local authority to which the participant is assigned. The time spent by a participant in such additional training, but not the time spent in Federal training, shall be counted toward fulfillment of the participant's 4-year service obligation.

SEC. 8. SERVICE OBLIGATION.

(a) SWEARING IN.—Upon satisfactory completion of the Federal training program established in section 7 and meeting the requirements of the police force to which the participant is assigned, a participant shall be sworn in as a member of the police force to which the participant is assigned pursuant to the State Police Corps plan, and shall serve for 4 years as a member of that police force.

(b) RIGHTS AND RESPONSIBILITIES.—A participant shall have all of the rights and responsibilities of and shall be subject to all rules and regulations applicable to other members of the police force of which the participant is a member, including those contained in applicable agreements with labor organizations and those provided by State and local law.

(c) DISCIPLINE.—If the police force of which the participant is a member subjects the participant to discipline such as would preclude the participant's completing 4 years of service, and result in denial of educational assistance under section 5, the Director may, upon a showing of good cause, permit the participant to complete the service obligation in an equivalent alternative law enforcement service and, upon satisfactory completion of that service, provide assistance pursuant to section 5.

SEC. 9. APPROVAL OF STATE PROGRAMS.

(a) SUBMISSION OF STATE PLANS.—To participate in the Police Corps program under this subpart, a State shall submit to the Director a plan for implementing a State Police Corps program for such State, in a manner consistent with the requirements set forth in this subpart.

(b) APPROVAL OF STATE PLANS.—The Director shall approve a State Police Corps plan that complies with the program requirements set forth in this section.

(c) CONTENTS OF STATE PLANS.—Each State Police Corps plan shall—

(1) provide for the screening and selection of participants in accordance with the criteria set out in section 6;

(2) state procedures governing the assignment of participants in the Police Corps program to State and local police forces (no more than 10 percent of all the participants assigned in each year by each State to be assigned to a statewide police force or forces);

(3) provide that participants shall be assigned to those geographic areas in which—

(A) there is the greatest need for additional law enforcement personnel; and

(B) the participants will be used most effectively;

(4) provide that to the extent consistent with paragraph (3), a participant shall be assigned to an area near the participant's home or such other place as the participant may request;

(5) provide that to the extent feasible, a participant's assignment shall be made at the time the participant is accepted into the program, subject to change—

(A) prior to commencement of a participant's fourth year of undergraduate study,

under such circumstances as the plan may specify; and

(B) from commencement of a participant's fourth year of undergraduate study until completion of 4 years of police service by participant, only for compelling reasons or to meet the needs of the State Police Corps program and only with the consent of the participant;

(6) provide that no participant shall be assigned to serve with a local police force—

(A) whose size has declined by more than 5 percent since June 21, 1989; or

(B) which has members who have been laid off but not retired;

(7) provide that participants shall be placed and to the extent feasible kept on community and preventive patrol;

(8) assure that participants will receive affective training and leadership;

(9) provide that the State may decline to offer a participant an appointment following completion of Federal training, or may remove a participant from the Police Corps program at any time, only for good cause (including failure to make satisfactory progress in a course of educational study) and after following reasonable review procedures stated in the plan; and

(10) provide that a participant shall, while serving as a member of a police force, be compensated at the same rate of pay and benefits and enjoy the same rights under applicable agreements with labor organizations and under State and local law as other police officers of the same rank and tenure in the police force of which the participant is a member.

SEC. 10. REPORTS TO PRESIDENT AND CONGRESS.

Not later than April 1 of each year, the Director shall submit a report to the President and to the Speaker of the House of Representatives and the President of the Senate. Such report shall—

(1) state the number of current and past participants in the Police Corps program, broken down according to the levels of educational study in which they are engaged and years of service they have served on police forces (including service following completion of the 4-year service obligation);

(2) describe the geographic dispersion of participants;

(3) describe the structure and progress of the program; and

(4) discuss the perceived strength and weakness of the program and any proposals for changes in the program.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of Justice to carry out this Act, for fiscal year 1990, such sums as may be necessary to carry out the provisions of this Act, and for each fiscal year thereafter such sums as may be authorized in the annual authorization Act for such year.

THE POLICE CORPS ACT OF 1989 SECTION-BY-SECTION ANALYSIS

Section 1. Short Title.—"Police Corps Act."

Section 2. Purposes.—Identifies three of the principal purposes of the Police Corps program: (1) addresses the very high level of violent crime; (2) provides educational assistance to students of ability, character, and dedication to public service; and (3) establishes opportunities for meaningful community service in exchange for educational assistance.

Section 3. Definitions.—Defines various terms used in the bill.

Section 4. Establishment of the Police Corps.—Establishes within the Department of Justice an Office of the Police Corps to be headed by a Director, appointed by the President and confirmed by the Senate.

Section 5. Educational Assistance.—Sets forth procedures by which the Director of the Office of the Police Corps shall provide educational assistance to participants following the successful completion of their service obligation. The Director shall assume the obligation to repay the principal and interest on the student loans or to repay a participant for educational expenses paid out of a participant's funds, up to $10,000 for each of four years of college. If a participant first applies to the program after he or she has completed and paid for some or all of his or her college education, the Director is authorized to repay existing student loans, or pay for graduate study after service, providing the total assistance for any single participant does not exceed $40,000.

The Director's obligation to repay a participant's educational expenses under this section shall be void, and the Director shall be entitled to recover from the participant the amount of any interest on such loan that the Director has paid if the participant fails to complete satisfactorily the course of educational study, federal training, and required service. The legislation provides, however, that if a participant is unable to complete the program because of permanent disability, the Director may require alternative community service and repay the participant's loan following completion of that alternative service.

This section specifies that it is the intent of this Act that there shall be no more than 25,000 participants in each graduating class.

Subsection (e) provides that when a career police officer in a participating state is killed in the line of duty, his or her dependents shall receive educational benefits equivalent to those given participants, but without incurring any service obligation.

Section 6. Selection of Participants.—Establishes requirements concerning the procedures by which applicants will be admitted to the Police Corps. Each applicant must meet the requirements for admission as a trainee of the state or local police force to which the participant will be assigned. Applicants also must agree in writing to complete their undergraduate education and then to accept an appointment, if one is offered, to serve for four years as a State Police officer or in a local police department within their state. During the first five years of the program, up to 10 percent of the applicants accepted into the Police Corps program may have previous law enforcement experience. After the fifth year of the program, applicants must have no previous law enforcement experience.

Subsection (c) requires participating states to make special efforts to recruit minority applicants while expressly providing that the competitive standards required for admission may not be in any way relaxed.

Section 7. Law Enforcement Training.—Requires the Director to establish Training Centers which all Police Corps participants will attend for two eight-week training sessions prior to entering service in their representative states. Immediately following completion of federal training, participants shall report to their sponsoring state and receive appropriate additional training within the jurisdictions to which they have been assigned. A nine member Board of Directors, appointed by the President and subject to Senate confirmation, shall operate the Training Centers. Of the nine board members, two shall be members of a national police labor organization and two shall be members of a national police management organization.

Section 8. Service Obligation.—Provides that participants shall be formally sworn in as members of the police forces to which they are assigned, and have all the rights and responsibilities and be subject to all the rules and regulations applicable to other members of the police force, including those contained in applicable agreements with labor organizations and those provided by state and local law. In the rare instance in which the exercise of local discipline would remove a participant from the program, the Director has the authority to allow the participant to remain in the program only upon a showing of good cause and a determination that there is an equivalent alternative law enforcement assignment for which the participant would be suited.

Section 9. Approval of State Programs.—Sets forth the process by which the Director of the Office of the Police Corps will review and approve State Police Corps programs. Each State Police Corps plan shall describe the procedures by which the Police Corps program will operate, including its procedures for screening, selection, training, assignment, and service in accordance with this Act.

Each state must provide for procedures governing the assignment of its participants to either the State Police or a local jurisdiction; no more than 10 percent may be assigned to the State Police. The legislation requires that participants be assigned to those areas with the greatest need for additional law enforcement resources and to the extent consistent with that principle, to assign them as well to areas near their homes or areas which they specifically request. Participants shall be assigned to their jurisdictions at the time they are first accepted into the program. Participants may only be reassigned prior to commencement of their fourth year of undergraduate study, or after that time for compelling reasons or to meet the needs of the program and only with the consent of the participant.

Subsection (c)(6)(A) provides that no assignments may be made to any police department whose size has declined by more than five percent since June 21, 1989, or has members who have been laid off but not retired.

Subsection (c)(7) provides that participants shall be placed and to the extent feasible kept on community and preventive patrol.

Section 10. Reports to President and Congress.—Requires the Director to make annual reports to the President and Congress on the status of the program to assess its strengths and weaknesses.

Section 11. Authorization for Appropriations.—Authorizes to be appropriated to the Department of Justice for fiscal year 1990 such sums as may be necessary to carry out the provisions of the Act, and for each fiscal year thereafter such sums as may be authorized.●

● Mr. SASSER. Mr. President, I rise to join in introducing legislation to establish a National Police Corps Program.

Our legislation would establish a program similar to the Reserve Officers Training Corps. Students would complete their normal course of college studies. They would then serve

for 4 years in a State or local law enforcement agency. In return for this service, the Federal Government would reimburse the cost of their tuition up to $10,000 per year. Participation in the program would be limited to 25,000 people per year.

I am pleased that we will be able to begin work on this initiative with a test program here in the District of Columbia. Legislation currently before the Governmental Affairs Committee includes a provision that will allow 50 students to participate in a police corps program in the District of Columbia. This will both test the concept of the police corps as well as assist the District in recruiting additional qualified officers for their force.

Our Nation's cities are currently experiencing a crime wave the likes of which this country has not seen in years. In many cities, the police are simply overwhelmed by violent street crime. By all accounts, the vast percentage of the crime that is destroying many of our neighborhoods is due to illegal drugs.

Day after day on the news and in the newspapers we see the savage and mindless violence that is spawned by the drug trade. We see people killed in their homes by stray bullets from the gunfights going literally outside their windows. We see children caught in the cross-fire as drug dealers fight it out for control of street corners and neighborhoods.

The vicious criminals who are flooding our society with drugs are destroying our communities, they are destroying our families, and they are destroying our youth. The huge profits to be made in the drug trade are simply warping the values for many people. Parents, community, and religious leaders are finding it impossible to steer our youth away from the glitter of the huge amounts of easy money available from the drug trade.

Let me give just one example of the way in which the drug trade is poisoning the attitudes of our youth. Recently, my Subcommittee on Government Efficiency, Federalism, and the District of Columbia held hearings on Federal, State, and local solutions to drug abuse. I was frankly stunned to hear the testimony of Joe Casey, the police chief of my hometown of Nashville TN. He related the story of one 12-year-old youngster who when asked what he aspired to be said—a drug dealer. The reason? Because that's where the money is.

That is the kind of situation our police face on the streets every day. They need the resources to remove the drug dealers from the streets and to send a clear message that we will take back our neighborhoods from these vicious criminals.

Doing that, however, will take more police. It will take community involvement—citizens and police working together.

The primary responsibility for the enforcement of our drug laws lies with the Federal Government. Invevitably however, our State and local law enforcement agencies must deal with the violent crimes that are caused by the drug trade.

During the writing of the last two comprehensive drug bills, local police officials continually stressed to Congress the need to give our police additional resources to fight street crime. Police departments are already adding personnel, but in many cases they are hindered by financial constraints and difficulties in finding enough qualified individuals.

The bill we are proposing would allow the Federal Government to aid our local law enforcement agencies in the most effective way—by helping them put police on the streets. It will give them increased options for foot patrols, for strike forces, and for working with community groups who wish to work with the police to break up criminal activity.

One of the greatest deterrents to crime is simply police presence—on the streets and in our neighborhoods. it increases the risk factor for criminals. The vicious thugs who are terrorizing our neighborhoods are making a cold, calculating decision about crime as if it were a business—and the income from crime outweighs the business risk of getting caught. We need to increase the risk for the criminal that if he commits a crime a patrolman will apprehend him, or a strike force will be operating on that block, or that the citizens will promptly inform the police.

The manpower we provide in this bill will increase the options open to our local communities. It is exactly the type of assistance they have asked for. At the same time, it allows them the flexibility of deciding how they will assign the increased personnel.

For instance, studies show that police officers make the greatest number of arrests in their first 5 years on a force. Thus, a community could decide that it wanted to assign this new manpower to street duties in high crime areas. It could assign them specifically to narcotics duties.

Alternatively, a community could assign increased manpower to working with local citizens. We've all seen the progress that can be made when citizens and police work with citizens to take back their neighborhoods from the criminals. The graduates of the Police Corps program will allow communities to intensify their programs and to maintain heavy patrols to ensure that once driven out the drug dealers don't return.

There is another benefit from our legislation that should not go unmentioned. Too few of our citizens understand the pressures and the dangers that our police officers face. When the graduates of the Police Corps program complete their service they will go on to other careers. However, they will know what it is to be a police officer. They will be able to share that knowledge with their neighbors. I firmly believe that this will increase respect and support for the brave men and women who put their lives on the line every day for all of us.

Mr. President, I invite our colleagues to join with us in cosponsoring this legislation.●

● Mr. BRADLEY. Mr. President, I rise as a cosponsor of the legislation being introduced today to establish a Police Corps to help battle the Nation's growing crime problem.

Over the past 30 years, we have witnessed a dramatic increase in crime. Many neighborhoods, particularly in urban areas, have been paralyzed by the scourge of violent crime. And in the process, many communities have been virtually abandoned by the support systems found in other areas—the churches and the community groups.

Another major factor in this increase in crime is the decline in the strength of the police. In urban areas in the 1950's we had three police officers for each violent crime—we currently have three violent crimes for every police officer.

If we are going to take back control in our cities, we will need to increase police presence in these areas. And it is my belief, Mr. President, that the estabishment of a Police Corps is a creative way to respond to this problem that confronts communities at the most basic level—how to provide security from crime.

One way we know works is to put more cops on the beat. Crime, especially violent crime, is far less likely to occur if there is a policeman present.

Mr. President, the Police Corps gives communities the resources to provide greater street and neighborhood security. Modeled on the ROTC program, the Police Corps would support a student while in college in exchange for a commitment to serve his or her country. Each year the Police Corps would provide 25,000 young Americans with up to $10,000 a year in college aid in exchange for a commitment to a 4-year term of service as a state or local police officer.

There are currently about 250,000 police assigned to patrol duty. Once fully implemented in the late 1990s, an additional 100,000 Police Corps cadets would sizeably increase police presence in these areas—enough to make the streets a safer place for our citizens.●

Mr. REID. Mr. President, today it is my privilege to cosponsor the Police Corps Act of 1989. This bill will afford educational opportunities to individ-

uals in exchange for service in the Police Corps.

The Police Corps Act is an important step in alleviating the ravaging effects of crime which are literally crippling our society. Communities victimized by drug abuse, violence, and vandalism cannot flourish and grow. The Police Corps Act will help revitalize neighborhoods where crime is rampant by providing additional police on duty. In fact, an additional 25,000 men and women will be patrolling the streets of our cities. This more visible presence of officers will improve safety in our communities and help stop potential crimes.

Those individuals who serve in the Police Corps will receive financial reimbursement for up to $40,000 in exchange for 4 years of service. This money will be applied to costs accrued at an institution of higher learning. This program is a real winner for all involved. Communities will benefit from having more police officers on the streets, and students with a strong commitment to community service will have the chance to finance their education.

In my own State of Nevada, we are fortunate that crime, particularly drug-related crime, has not gotten out of control as it has in many big cities across the Nation. But we cannot let our good fortune up until now blind us to the potential danger. In Las Vegas, we have recently witnessed the emergence of violent gangs. In both Reno, Las Vegas, and throughout the State, concern about crime and drugs is growing. We must tackle these problems now before they get out of hand, so that Nevadans can continue to enjoy the safe environment to which we have grown accustomed.

Increased police forces and tough laws make a difference. Those who commit crimes will not go unpunished. I have supported measures to make it easier to evict drug dealers from public housing projects. Everyone has the right to a drug-free neighborhood and safe living conditions. We have an obligation to protect innocent tenants from falling victim to drug dealers. The rights of victims have been overlooked and ignored for too long. I am a sponsor of the Victims' Rights Bill of 1989. I also sponsored the Drunk Driving Prevention Act of 1988 which toughened the laws against drunk drivers. It is time we recognized drunk driving for what it is—a crime.

We must not let our communities fall victim to crime and drugs. We have the strength to fight this battle and win. The Police Corps Act will strengthen our neighborhood patrols, and bolster our assault on crime. Police officers are our frontline soldiers in the war against crime, helping to prevent criminal activity and tracking down law breakers when they commit crimes. I am proud to cosponsor this bill which does so much to help these individuals who put their lives on the line and help keep our communities safe and drug free.

By Mr. HATCH (for himself and Mr. THURMOND):

S. 1300. A bill to amend the Job Training Partnership Act to improve the delivery of services to hard-to-serve youth and adults, to establish the Youth Opportunities Unlimited Program, and for other purposes; to the Committee on Labor and Human Resources.

JOB TRAINING PARTNERSHIP ACT AMENDMENTS

Mr. HATCH. Mr. President, I rise today to introduce along with my distinguished colleague from South Carolina, Senator THURMOND, the Job Training Partnership Act Amendments of 1989. This legislation, which has been developed by the Bush administration, would amend the Job Training Partnership Act [JTPA] to improve the targeting of programs to those facing serious barriers to employment, enhance the quality of services provided, and promote the coordination of programs and resources to more effectively provide job training and placement to the disadvantaged.

As the chairman of the Labor and Human Resources Committee when the JTPA was passed in 1982, I take great pride in the extraordinary success that this program has exhibited since its passage. However, I believe that it is incumbent on the Congress, in light of the dramatic demographic and technological changes which have already begun, and which will forever alter the nature of our work force, to be responsive to these changes by taking action now to meet the challenges we face. Mr. President, I know of no single area that will enable us to respond better than our national job training policy. We must attempt to make a successful program even more successful.

Mr. President, I want to say a few words about the approach taken by the administration and, specifically, by the Department of Labor in developing these amendments because I think it is an example of a rational way to make constructive changes in public policy.

All of us in the Senate are by now aware of the very valuable study conducted by the Department of Labor several years ago concerning the major changes in our society which will drastically alter the composition of our national work force, as well as increase the demand for more sophisticated skills. The study, known as "Workforce 2000," alerted us to the need to begin immediately to meet these challenges.

In July 1988, the Secretary of Labor took a positive step forward in enabling us to approach such changes with as much information as possible by appointing a 38-member JTPA Advisory Committee, charged with assessing the experience of the past and formulating recommendations for improving job training in the future. After some 7 months of deliberations and consideration of more than 2,000 pages of comments, suggestions, and recommendations from the general public, the advisory committee published an excellent report which included recommendations on improvements in the system to be responsive to the challenges of the present and the future. Mr. President, this report served as the blue print for the preparation of this legislation.

Let me offer just a brief overview of what changes these amendments seek to effectuate.

First, the bill would improve targeting of valuable resources by revising the eligibility requirements to ensure that those with particularly significant barriers to employment are served. These barriers include a lack of basic skills, public assistance dependency, homelessness, and a lack of a high school, or equivalent, diploma.

This targeting is also enhanced by revision of the funding formula. Separate formulas for the youth and adult programs would be established. The program would provide incentives for localities to coordinate service programs and would provide a set of activities that would promote long-term employability of youth.

The amendments would enhance program quality by providing more intensive and comprehensive services to participants. Each participant in the new programs would have an assessment to determine their skill levels and service needs. Service strategies would be developed on the basis of the assessments.

Finally, the programs would make available appropriate sets of services with an increased emphasis, particularly for youth, on basic occupational skills training. This intensive approach is intended to enhance the long-term job market success of participants.

The amendments would also promote the coordination of human resource policies and programs. Coordination is promoted within the revised adult and youth programs by the establishment of specific requirements for linkages with other programs and entities that would avoid duplication and enhance the delivery of services. In addition, the act would establish a new State Linkage and Coordination Program that would provide important incentives for States to establish specific statewide goals for serving the disadvantaged and develop a comprehensive plan to achieve these goals. The plan would link a variety of resources, programs, and organizations to provide better coordinated services.

Finally, the amendments provide for establishment of a human resource investment council in each State to advise the Governor on the methods of coordinating certain federally assisted human resource programs, including JTPA.

The amendments also incorporate a number of other changes into JTPA to strengthen program accountability. Performance standards for the programs would be revised to include, along with the current employment standards, standards relating to the development of basic skills and employment competencies that promote long-term employability, job placement, and retention. The amendments also include revisions to procurement standards.

In sum, Mr. President, these amendments provide an important opportunity to make an effective program more responsive to the needs of the labor market of the 1990's. Enactment of these amendments would make a significant contribution to enhancing the employment opportunities available for our most disadvantaged citizens and to improving the capabilities and productivity of our work force.

I am very pleased to be joined by Senator THURMOND, the ranking minority member of the Employment and Productivity Subcommittee. I urge my colleagues to give serious consideration to a proposal which has been so thoughtfully developed.

Mr. President, I ask unanimous consent that the text of the bill and a section-by-section summary of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1300

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Job Training Partnership Act Amendments of 1989".

TITLE I—AMENDMENTS TO THE JOB TRAINING PARTNERSHIP ACT

SEC. 101. STATEMENT OF PURPOSE.

Section 2 of the Job Training Partnership Act (hereafter in this title referred to as "the Act") is amended to read as follows:

"SEC. 2. It is the purpose of this Act to establish programs to prepare youth and adults facing serious barriers to employment for participation in the labor force by providing services that will result in increased employment and earnings, increased educational and occupational skills, and decreased welfare dependency.".

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

Section 3(a) of the Act is amended by adding at the end thereof the following new paragraph:

"(4) There are authorized to be appropriated $25,000,000 for fiscal year 1990, and $50,000,000 for each of fiscal years 1991 through 1994 to carry out part H of title IV.".

SEC. 103. DEFINITIONS.

Section 4 of the Act is amended—

(a) by amending paragraph (3) to read as follows:

"(3) The term "basic skills deficient" means reading or computing skills at or below the 8th grade level on a generally accepted standard test or equivalent score on a criterion referenced test.";

(b) in paragraph (8) by:

(1) striking "level determined in accordance with criteria established by the Director of the Office of Management and Budget" and inserting in lieu thereof "income guidelines promulgated each year by the Secretary of Health and Human Services", and

(2) inserting "subsections (a) and (c) of" in subparagraph (D) after "under";

(c) in paragraph (10) by striking "handicapped individual" and inserting in lieu thereof "individual with disabilities";

(d) in paragraph (22) by striking "Trust Territory of the Pacific Islands" and inserting in lieu thereof "Freely Associated States and the Republic of Palau";

(e) in paragraph (2) by inserting "drug and alcohol abuse counseling and referral, individual and family counseling," after "health care,"; and

(f) by adding the following new paragraphs after paragraph (29):

"(30) The term "educational agency" means (1) a public local school authority having administrative control of middle schools or secondary schools; (2) an accredited public or private institution legally authorized to provide alternative middle or high school education; (3) any public education institution or agency having administrative control of secondary and post-secondary vocational education programs; (4) any institution legally authorized to provide post-secondary education; or (5) any post-secondary educational institution operated by or on behalf of any Indian tribe which is eligible to contract with the Secretary of the Interior for the administration of programs under the Indian Self-Determination Act or under the Act of April 16, 1934.

"(31) The term "school dropout" means an individual who is no longer attending any school nor subject to a compulsory attendance law and who has not received a secondary school diploma or a certificate from a program of equivalency for such a diploma.

"(32) The term "JOBS" means the Job Opportunities and Basic Skills Training Program authorized under part F of title IV of the Social Security Act.".

SEC. 104. COMPOSITION OF PRIVATE INDUSTRY COUNCIL.

Section 102(a)(2) of the Act is amended by inserting "local welfare agencies," before "organized."

SEC. 105. JOB TRAINING PLAN.

(a) Section 104(a) of the Act is amended by inserting "under title II" after "appropriated".

(b) Section 104(b) of the Act is amended to read as follows:

"(b) Each job training plan for the programs conducted for adults under part A of title II and for youth under part B of title II shall contain:

"(1) identification of the entity or entities which will administer the program and be the grant recipient of funds from the State;

"(2) if there is more than one service delivery area in a single labor market area, provisions for coordinating particular aspects of the service delivery area program with other programs and service providers in the labor market area, including—

"(A) assessment of needs and problems in the labor market that form the basis for program planning;

"(B) provisions for ensuring access by program participants in each service delivery area to skills training and employment opportunities throughout the entire labor market; and

"(C) coordinated or joint implementation of job development, placement, and other employer outreach activities;

"(3) a description of methods of complying with the coordination criteria contained in the Governor's coordination and special services plan;

"(4) a description of linkages designed to enhance the provision of services and avoid duplication, including—

"(A) agreements with educational agencies;

"(B) arrangements with other education, training and employment programs authorized by federal law; and

"(C) efforts to ensure the effective delivery of services to participants in coordination with local welfare agencies and other local agencies, community organizations, volunteer groups, business and labor organizations, and other training, education, employment, and social service programs;

"(5) goals and objectives for the programs, including performance goals established in accordance with standards prescribed under section 106;

"(6) adult and youth program budgets for two program years and any proposed expenditures for the succeeding two program years, in such detail as is determined as necessary by the entity selected to prepare this portion of the plan pursuant to section 103(b)(1)(B) and to meet the requirements of section 108;

"(7) procedures for identifying and selecting participants, including, where appropriate, outreach efforts to recruit locally determined target groups, and for eligibility determination and verification;

"(8) a description of—

"(A) the assessment process that will identify participant skill levels and service needs;

"(B) a description of the services to be provided, including the estimated duration of service and the estimated training cost per participant;

"(C) the competency levels to be achieved by participants as a result of program participation; and

"(D) the procedures for evaluating the progress of participants in achieving competencies;

"(9) procedures, consistent with section 107, for selecting service providers which take into account past performance in job training or related activities, fiscal accountability, and ability to meet performance standards;

"(10) fiscal control (including procurement, monitoring and management information system requirements), accounting, audit, and debt collection procedures to assure the proper disbursal of, and accounting for, funds received under title II; and

"(11) procedures for the preparation and submission of an annual report to the Governor, which shall include—

"(A) a description of activities conducted during the program year;

"(B) characteristics of participants; and

"(C) the extent to which applicable performance standards were met.".

SEC. 106. PERFORMANCE STANDARDS.

Section 106 of the Act is amended to read as follows:

"SEC. 106(a) The Congress recognizes that job training is an investment in human capital and not an expense. In order to determine whether that investment has been productive, the Congress finds that—

"(1) it is essential that criteria for measuring the return on this investment be developed; and

"(2) the basic return on the investment is to be measured by increased employment and earnings, reductions in welfare dependency, and increased educational attainment and occupational skills.

"(b)(1) In order to determine whether the basic measures described in subsection (a) are achieved for programs under parts A and B of title II, the Secretary, in consultation with the Secretary of Education and the Secretary of Health and Human Services, shall prescribe performance standards.

"(2) The standards for adult programs under part A of title II shall be based on appropriate factors which may include (A) placement in unsubsidized employment, (B) retention in unsubsidized employment, (C) the increase in earnings, including hourly wages, (D) the reduction in welfare dependency, and (E) the acquisition of skills, including basic skills, required to promote continued employability in the local labor market.

"(3) The standards for youth programs under part B of title II shall include, in addition to appropriate utilization of the factors described in paragraph (2), the following factors: (A) attainment of employment competencies, (B) secondary and postsecondary school completion or the equivalent thereof, and (C) enrollment in other training programs or apprenticeships, or enlistment in the Armed Forces. The Secretary may prescribe variations in the standards under this paragraph to reflect the differences between in-school and out-of-school programs.

"(4) Levels for youth and adult competency standards shall be determined by the private industry council in consultation with the educational agencies and the private sector, and based on such factors as entry skill levels and other hiring requirements.

"(5) The standards shall include provisions governing—

"(A) The base period prior to program participation that will be used;

"(B) a representative period after termination from the program that is a reasonable indicator of postprogram employment and earnings; and

"(C) cost effective methods for obtaining such data as is necessary to carry out this subsection, which, notwithstanding any other provision of law, may include access to earnings records, State employment security records, Federal Insurance Contributions Act records, State aid to families with dependent children records, statistical sampling techniques, and similar records or measures.

"(6) The Secretary shall prescribe performance standards relating gross program expenditures to various performance measures.

"(7) From funds available pursuant to sections 202(d)(2)(C) and 252(d)(2)(C), each Government shall award incentive grants to service delivery areas conducting programs under title II for exceeding performance standards (except for standards relating to costs) based on factors designated by the Secretary, which may include such factors designated by the Secretary, which may include such facts as the extent to which target groups are served successfully and the quality of service provided.

"(c) The Secretary shall prescribe performance standards for programs under title III based on placement and retention in unsubsidized employment.

"(d) Each Governor shall prescribe, within parameters established by the Secretary, variations in the standards issued under subsections (b) and (c) based upon specific economic, geographic, and demographic factors in the State and in service delivery areas and substate areas within the State, the characteristics of the population to be served, the demonstrated difficulties in serving the population, and the type of services to be provided.

"(e) The Governor may prescribe performance standards for programs under title II and title III in addition to those standards established by the Secretary under subsections (b) and (c).

"(f) The Secretary shall prescribe performance standards for programs under parts A and B of title IV.

"(g) The Secretary shall prescribe a system for adjustments in peformance standards for special populations to be served, including Native Americans, migrant and seasonal farmworkers, disabled and Vietnam era veterans, including veterans who served in the Indochina Theater between August 5, 1964, and May 7, 1975, and offenders, taking into account their special circumstances.

"(h) The Secretary may modify the performance standards under this section not more often than once every two program years and such modifications shall not be retroactive.

"(i) The National Commission for Employment and Vocational Education Policy shall (1) advise the Secretary in the development of performance standards under this section for measuring results of participation in job training and in the development of parameters for variations of such standards referred to in subsection (d), (2) evaluate the usefulness of such standards as measures of desired performance, and (3) evaluate the impacts of such standards (intended or otherwise) on the choice of who is served, what services are provided, and the cost of such services in service delivery areas.

"(j)(1) The Governor shall provide technical assistance to service delivery areas and substate areas within the State which do not meet performance standards. If the failure to meet performance standards persists for a second year, the Governor shall impose a reorganization plan. Such plan may restructure the private industry council, prohibit the use of designated service providers or make such other changes as the Governor deems necessary to improve performance. The Governor may also select an alternate entity to administer the program for the service delivery area or substate area.

"(2) The alternate administrative entity may be a newly formed private industry council or any agency jointly selected by the Governor and the chief elected official of the largest unit of general local government in the service delivery area or substate area.

"(3) No change may be made under this subsection without an opportunity for a hearing before a hearing officer.

"(4) The decision of the Governor may be appealed to the Secretary, who shall make a final decision within 60 days of the receipt of the appeal.".

SEC. 107. SELECTION OF SERVICE PROVIDERS.

Section 107 of the Act is amended by adding at the end thereof the following new subsection:

"(e) The selection of service providers shall be made on a competitive basis to the maximum extent possible, and shall include at a minimum—

"(1) a determination of the ability of the service provider to meet program design specifications established by the administrative entity that take into account the purpose of the Act and the goals established by the Governor in the Coordination and Special Services Plan; and

"(2) documentation of compliance with procurement standards established by the Governor, including the reasons for selection. Specific justification must be provided whenever a sole source procurement is awarded.".

SEC. 108. LIMITATION ON CERTAIN COSTS.

Section 108 is amended by—

(a) amending subsection (a) to read as follows:

"(a)(1) Except as provided in section 141(d)(3), funds expended for allowable activities under the Act shall be charged to appropriate cost categories.

"(2) For programs under the Act, administration does not include the cost of activities directly related to the provision of services to eligible individuals.".

"(b) amending subsection (b) to read as follows:

"(b)(1) Of the funds available to a service delivery area for any fiscal year under parts A and B of title II—

"(A) not more than 15 percent shall be expended for administration; and

"(B) not more than 35 percent shall be expended for administration and costs specified in paragraph (2).

"(2) For purposes of paragraph (1)(B), the costs specified in this paragraph are—

"(A) the assessment of participants;

"(B) 50 percent of work experience expenditures under part A of title II;

"(C) 50 percent of work experience expenditures under part B of title II that are used to provide work experience in excess of 250 hours for a participant during nonsummer months;

"(D) supportive services; and

"(E) needs-based payments.".

(c) redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f) respectively;

(d) inserting the following new subsection:

"(C)(1) Notwithstanding the 15 percent limitation contained in subsection (b)(1)(A), up to 20 percent of the funds available to a service delivery area for any fiscal year under parts A and B of title II may be expended for administration if the following conditions are met:

"(A) the request for the increase in administrative costs and the need for the increase is justified in the job training plan (or modification thereof); and

"(B) the need for the additional costs is related to—

"(i) outreach and recruitment of hard-to-serve populations; or

"(ii) innovative or extensive arrangements of linkages with other programs and organizations.

"(2) Notwithstanding the 35 percent limitation contained in subsection (b)(1)(B), up to 40 percent of the funds available for any fiscal year under parts A and B of title II may be expended for the costs of administration and the costs specified in subsection

(b)(2) if the request for the increase in the limitation is contained in the job training plan (or modification thereof) and a request for an increase in the administration cost limitation pursuant to paragraph (1) is approved.".

(e) amending subsection (d) (as redesignated by subsection (c) of this section) as follows:

(1) in paragraph (1) by inserting "(1)(B)" after "(b)";

(2) in paragraph (2) by inserting "(1)(B)" after "(b)" where it first appears,

(3) in paragraph (3) by inserting "(1)(B)" after "(b)" where it first appears and by striking "(a)" and inserting "(b)(1)(A)"; and

(f) inserting the following new subsection at the end thereof:

"(g) Funds available under title III shall be expended in accordance with the limitations specified in section 315.".

SEC. 109. GOVERNOR'S COORDINATION AND SPECIAL SERVICES PLAN

(a) Section 121(b) of the act is amended by—

(1) amending paragraph (2) to read as follows:

"(2) The plan shall describe the measures taken by the State to ensure coordination and avoid duplication between the State agencies administering the JOBS program and programs under title II in the planning and delivery of services. The plan shall describe the procedures developed by the State to ensure that the State JOBS plan is consistent with the coordination criteria specified in this plan and identify the procedures developed to provide for the review of the JOBS plan by the State human resource investment council.";

(2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5); and

(3) by inserting the following new paragraph after paragraph (2):

"(3) The plan shall describe the projected use of resources, including oversight of program performance, administration and financial management; capacity building; priorities and criteria for State incentive grants; and performance goals for State-supported programs. The description of capacity building shall include, where applicable, the Governor's plans for research and demonstration projects, technical assistance for service delivery areas, interstate technical assistance and training arrangements, and other coordinated technical assistance arrangements pursuant to the direction of the Secretary.".

(b) Section 121(c) is amended by—

(1) inserting in paragraph (7) "coordination of activities relating to part A of title II with" after the paragraph designation; and

(2) striking out "and" at the end of paragraph (9) of subsection (c);

(3) striking the period at the end of paragraph (10) of the subsection (c) and inserting in lieu thereof "; and"; and

(4) inserting a new paragraph after paragraph (10) to read as follows:

"(11) initiatives undertaken pursuant to the State Linkage and Coordination program under part C of title II.".

SEC. 110. STATE COUNCIL.

Section 122 of the Act is amended—

(a) in the section heading by striking "STATE JOB TRAINING COORDINATING COUNCIL" and inserting in lieu thereof "STATE HUMAN RESOURCE INVESTMENT COUNCIL";

(b) in subsection (a)—

(1) by amending paragraph (1) to read as follows:

"(1) Any State which desires to receive financial assistance under this Act shall establish a State human resource investment council as required by section 201(a) of the Job Training Partnership Act Amendments of 1989 and shall require such council to act as a State job training coordinating council. Funding for the duties of the council under this Act shall be provided pursuant to sections 202(d)(2)(A) and 252(d)(2)(A).";

(2) by striking paragraphs (2), (3), and (4) and redesignating paragraphs (5), (6), and (7) as paragraphs (2), (3), and (4), respectively;

(3) in paragraph (2) (as redesignated by paragraph (2) of this subsection), by striking "State council" and inserting "State human resource investment council";

(4) in paragraph (3) (as redesignated by paragraph (2) of this subsection), by striking "State council" and inserting "State human resource investment council, in carrying out its duties under this Act,"; and

(5) in paragraph (4) (as redesignated by paragraph (2) of this subsection), by striking "State council" and inserting "State human resource investment council relative to carrying out its duties under this Act".

SEC. 111. REPEALERS.

(a) Sections 123 and 124 of the Act are repealed; and

(b) Sections 125, 126 and 127 of the Act are redesignated as sections 123, 124 and 125, respectively.

SEC. 112. GENERAL PROGRAM REQUIREMENTS.

(a) Section 141(d)(3) of the Act is amended by—

(1) inserting "(A)" after the paragraph designation; and

(2) inserting the following new subparagraph:

"(B) Tuition charges for training or education provided by an institution of higher education or postsecondary institution which are not more than the charges for such training or education made available to the general public do not require a breakdown of cost components.";

(b) Section 141(g) of the Act is amended by—

(1) inserting "(2)" after the subsection designation; and

(2) inserting the following new paragraph (1):

"(1) On-the-job training authorized under the Act shall be limited in duration to a period not in excess of that generally required for acquisition of skills needed for the position within a particular occupation, but in no event shall exceed six months. In making the determination of the appropriate duration, consideration shall be given to recognized reference materials, the content of the participant's training, and the participant's service strategy.".

(c) Section 141(m) of the Act is amended to read as follows:

"(m)(1) Income under any program administered by a public or private non-profit entity may be retained by such entity if used to continue to carry out the program, and may be used for such purposes notwithstanding the expiration of financial assistance for that program.

"(2) Income subject to the requirements of paragraph (1) shall include—

"(A) receipts from goods or services provided as a result of activity funded under the Act; and

"(B) funds provided to a service provider under the Act which are in excess of the costs associated with the services provided.".

(d) Section 141(p) of the Act is amended by deleting the "part B of the title or part A of Title II" and inserting in lieu thereof "this Act".

SEC. 113. FISCAL CONTROLS: SANCTIONS.

Section 164(a) of the Act is amended to read as follows:

"(a)(1) Each State shall establish such fiscal control and fund accounting procedures as may be necessary to ensure the proper disbursal of, and accounting for, Federal funds paid to the recipient under title II and III.

"(2) The Governor shall establish for the State, substate and service delivery areas procurement standards to ensure that—

"(A) Procurements, to the maximum extent possible, shall be competitive, except where sole source procurement is specifically justified;

"(B) Procurements shall include an analysis of the reasonableness of costs in the contract;

"(C) Local written selection procedures shall be established prior to seeking or considering proposals;

"(D) All deliverables and the basis of payment shall be specified in the contract; and

"(E) Recipients shall conduct oversight to ensure compliance with procurement standards.".

SEC. 114 REPORTS, RECORDKEEPING, AND INVESTIGATIONS.

Section 165(c) of the Act is amended by—

(1) striking "and" at the end of subparagraph (1);

(2) striking the period and inserting in lieu thereof "and" at the end of subparagraph (2); and

(3) inserting the following new paragraph:

"(3) monitor the performance of service providers in complying with the terms of agreements made pursuant to this Act.".

SEC. 115. ESTABLISHMENT OF ADULT OPPORTUNITY PROGRAM.

Part A of title II of the Act is amended to read as follows:

"PART A—ADULT OPPORTUNITY PROGRAM

"STATEMENT OF PURPOSE

"SEC. 201 It is the purpose of this part to establish programs to prepare adults for participation in the labor force by increasing their occupational and educational skills with the result of improving their long-term employability, increasing their employment and earnings, and reducing their welfare dependency.

"ALLOTMENT

"SEC. 202. (a) Not more than one quarter of one percent of the amount appropriated pursuant to section 3(a)(1) for each fiscal year and available for this part shall be allotted among Guam, the Virgin Islands, American Samoa, the Freely Associated States, the Republic of Palau and the Commonwealth of the Northern Mariana Islands.

"(b) Of the remainder of the amount available for this part the Secretary may reserve up to five percent of such amount for use by the States to accomplish the purposes of part C of this title.

"(c)(1) After determining the amounts to be allotted under subsections (a) and (b), 89 percent of the remainder shall be allotted by the Secretary to the States for allocation to service delivery areas within each State. The States shall allocate to the service delivery areas such amounts as determined by the Secretary pursuant to the formula contained in paragraph (2). The remaining 11 percent shall be allotted in accordance with subsection (d).

"(2) Subject to the provisions of paragraph (3), of the amounts allotted to service delivery areas for this part for each fiscal year—

"(A) 50 percent shall be allotted on the basis of the relative number of economically disadvantaged adults within each service delivery area as compared to the total number of economically disadvantaged adults in all service delivery areas;

"(B) 37.5 percent shall be allotted on the basis of the relative concentration of economically disadvantaged adults within each service delivery area as compared to the total concentration of economically disadvantaged adults in all service delivery areas; and

"(C) 12.5 percent shall be allotted on the basis of the relative number of unemployed individuals within each service delivery area as compared to the total number of unemployed individuals in all service delivery areas.

"(3)(A) No service delivery area shall be allotted less than 90 percent of its allotment percentage for the fiscal year preceding the fiscal year for which the determination is made.

"(B) No service delivery area shall be allotted more than 130 percent of its allotment percentage for the fiscal year preceding the fiscal year for which the determination is made.

"(C) Notwithstanding subparagraphs (A) and (B), the total allotment for all service delivery areas within any one State shall not be less than one-quarter of one percent of the total allotted to all service delivery areas in all States.

"(D) For purposes of subparagraphs (A) and (B), the allotment percentage for fiscal year 1990 shall be the percentage of funds allotted under part A of title II to the service delivery area during the preceding fiscal year.

"(4) For the purposes of this section—

"(A) the term "economically disadvantaged adult" means an individual who is age 22 or older and who has, or is a member of a family which has, received a total family income which, in relation to family size, was not in excess of the higher of (i) the poverty income guidelines promulgated each year by the Secretary of Health and Human Services, or (ii) 70 percent of the lower living standard income level.

"(B) the term "concentration" means the number which represents the number of economically disadvantaged adults in excess of 10 percent of the adult population in the service delivery area.

"(d)(1) The remainder available for allotment under this part shall be alloted to the States for the activities described in paragraph (2). The allotment shall be based upon the relative amount of funds available to service delivery areas within the State as compared to the amount of funds available to all service delivery areas in all States.

"(2) Of the allotment available to each State for each fiscal year under paragraph (1)—

"(A) Five-elevenths of the allotment to each State shall be available for overall administration, management, and auditing activities relating to programs under this title and for activities under sections 121 and 122;

"(B) Three-elevenths of the allotment to each State shall be available for developing the overall capability of the job training system within the State. Activities should be directed to achieve and further the goals of programs under this Act and may include the development and training of State and local service delivery area staff, the development of information and exemplary program activities, and the conduct of research and other activities designed to improve the level and degree of programs conducted under the Act; and

"(C) Three-elevenths of the allotment to each State shall be available to provide incentive grants authorized under section 106(b)(7).

"ELIGIBILITY FOR SERVICES

"SEC. 203. (a) Subject to the provisions of subsections (b) and (c), an individual shall be eligible to participate in the program under this part only if such individual is—

"(1) 22 years of age or older; and

"(2) economically disadvantaged.

"(b) Not less than 50 percent of the participants in the program under this part in each service delivery area shall be individuals who, in addition to meeting requirements of subsection (a), are included in one or more of the following categories:

"(1) Basic skills deficient;

"(2) School dropouts;

"(3) Recipients of aid to families with dependent children who either meet the requirements of section 403(1)(2)(B) of the Social Security Act or have been provided an employability plan in accordance with section 482(b) of the Social Security Act;

"(4) Unemployed for the previous 6 months or longer;

"(5) Individuals with disabilities; or

"(6) Homeless, as defined by subsections (a) and (c) of section 103 of the Stewart B. McKinney Homeless Assistance Act.

"(c) Up to 10 percent of participants in the program under this part in each service delivery area may be individuals who are not economically disadvantaged if such individuals are age 22 or older and are either included in one of the categories listed in subsection (b) or experience other barriers to employment. Such individuals may include, but are not limited to, those who have limited English language proficiency, or are displaced homemakers, older workers, veterans, offenders, alcoholics or addicts.

"PROGRAM DESIGN

"SEC. 204. (a) The program under this part shall include—

"(1) an assessment of each participant's skill levels and service needs. The assessment may include such factors as basic skills, occupational skills, prior work experience, employability, interests, aptitudes and supportive service needs. A new assessment of a participant is not required if the program determines it is appropriate to use a recent assessment of the participant conducted pursuant to another education or training program, such as the JOBS program.

"(2) development of service strategies which shall identify the employment goal, appropriate achievement objectives and appropriate services for participants taking into account the assessments conducted pursuant to paragraph (1);

"(3) a review of each participant's progress in meeting the objectives of the service strategy; and

"(4) the following services, to be made available to a participant where the assessment and the service strategy indicate such services are appropriate:

"(A) basic skills training; and

"(B) occupational skills training.

"(b) Services which may be made available to participants under this part may include, but need not be limited to—

"(1) outreach to make individuals aware of, and encourage the use of, employment and training services;

"(2) literacy training and bilingual training;

"(3) on-the-job training;

"(4) education-to-work transition activities;

"(5) work experience;

"(6) vocational exploration;

"(7) pre-apprenticeship programs;

"(8) attainment of certificates of high school equivalence;

"(9) skill upgrading and retraining;

"(10) on-site industry-specific training programs supportive of industrial and economic development;

"(11) programs which combine workplace training with related classroom instruction;

"(12) entrepreneurial training;

"(13) programs of advanced career training which provide a formal combination of on-the-job and institutional training and internship assignments which prepare individuals for career employment;

"(14) training programs operated by the private sector, including those operated by labor organizations or by consortia of private sector employers utilizing private sector facilities, equipment and personnel to train workers in occupations for which demand exceeds supply;

"(15) customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of that training;

"(16) coordinated programs with other Federal employment-related activities;

"(17) counseling;

"(18) job search skills training and assistance;

"(19) job clubs;

"(20) provision of occupational and labor market information;

"(21) specialized surveys not available through other labor market information sources;

"(22) programs to develop work habits and other services to individuals to help them obtain and retain employment;

"(23) development of job openings;

"(24) disseminating information on program activities to employers;

"(25) supportive services;

"(26) needs-based payments;

"(27) case management services;

"(28) job placement; and

"(29) post-program follow-up services.

"(c)(1) Basic skills training authorized under this part shall, where appropriate, have a workplace context and be integrated with occupational skills training.

"(2)(A) Except as provided in subparagraph (B), job search, job search skills training, job clubs, and work experience authorized under this part shall be accompanied by other services designed to increase a participant's basic education or occupational skills.

"(B) The program under this part may provide job search, job search skills training and job clubs activities to a participant without the additional services described in subparagraph (A) only if—

"(i) the participant's assessment and service strategy indicate that the additional services are not appropriate; and

"(ii) the activities are not available to the participant through the Employment Service or other public agencies.

"(3) Needs-based payments authorized under this part shall be limited to payments necessary to participation in the program

under this part in accordance with a locally developed formula or procedure.

"(4) Counseling and supportive services authorized under this part may be provided to a participant for a period up to one year after completion of the program.

"LINKAGES

"SEC. 205. (a) In conducting the program under this part, the service delivery area shall establish appropriate linkages with other programs authorized under Federal law. Such programs shall include, where feasible, programs authorized by—

"(1) The Adult Education Act;

"(2) The Carl D. Perkins Vocational Education Act;

"(3) The Rehabilitation Act of 1973;

"(4) The Wagner-Peyser Act;

"(5) Part F of title IV of Social Security Act (JOBS);

"(6) The Food Stamp Act;

"(7) The National Apprenticeship Act;

"(8) The Stewart B. McKinney Homeless Assistance Act; and

"(9) Chapter 2 of title II of the Trade Act of 1974.

"(b) In addition to the linkage required under subsection (a), service delivery areas shall establish other appropriate linkages to enhance the provision of services under this part. Such linkages may be established with State and local educational agencies, local service agencies, public housing agencies, community organizations, business and labor organizations, volunteer groups working with disadvantaged adults, and other training, education, employment, economic development and social service programs.

"TRANSFER OF FUNDS

"SEC. 206. A service delivery area may transfer up to 10 percent of the funds provided under this part to the program under part B of this title if such transfer is—

"(a) based on economic or labor market conditions specified by the Secretary in regulations as sufficient to warrant a transfer;

"(b) described in the job training plan; and

"(c) approved by the Governor and the Secretary.".

SEC. 116. ESTABLISHMENT OF YOUTH OPPORTUNITY PROGRAM.

Part B of title II of the Act is amended to read as follows:

"PART B—YOUTH OPPORTUNITY PROGRAM

"STATEMENT OF PURPOSE

"SEC. 251. The purpose of the programs assisted under this part is to—

"(a) improve the long-term employability of youth;

"(b) enhance the educational and occupational skills of youth;

"(c) encourage school completion or enrollment in alternative school programs;

"(d) increase the employment and earnings of youth;

"(e) reduce welfare dependency; and

"(f) assist youth in addressing problems which impair their ability to make successful transitions from school to work, apprenticeship, the military or postsecondary education and training.

"ALLOTMENT

"SEC. 252. (a) Not more than one quarter of one percent of the amount appropriated pursuant to section 3(b) for each fiscal year and available for this part shall be allotted among Guam, the Virgin Islands, American Samoa, the Freely Associated States, the Republic of Palau and the Commonwealth of the Northern Mariana Islands.

"(b) Of the remainder of the amount available for this part the Secretary may reserve up to five percent of such amount for use by the States to accomplish the purposes of part C of this title.

"(c)(1) After determining the amounts to be allotted under subsections (a) and (b), 89 percent of the remainder shall be allotted by the Secretary to the States for allocation to service delivery areas within each State. The States shall allocate to the service delivery areas such amounts as determined by the Secretary pursuant to the formula contained in paragraph (2). The remaining 11 percent shall be allotted in accordance with subsection (d).

"(2) Subject to the provisions of paragraph (3), of the amounts allotted by the Secretary for this part for each fiscal year—

"(A) 50 percent shall be allotted on the basis of the relative number of economically disadvantaged youth within each service delivery area as compared to the total number of economically disadvantaged youth in all service delivery areas;

"(B) 37.5 percent shall be allotted on the basis of the relative concentration of economically disadvantaged youth within each service delivery areas as compared to the total concentration of economically disadvantaged youth in all service delivery areas; and

"(C) 12.5 percent shall be allotted on the basis of the relative number of unemployed individuals within each service delivery area as compared to the total number of unemployed individuals in all service delivery areas.

"(3)(A) No service delivery area shall be allotted less than 90 percent of its allotment percentage for the fiscal year preceding the fiscal year for which the determination is made.

"(B) No service delivery area shall be allotted more than 130 percent of its allotment percentage for the fiscal year preceding the fiscal year for which the determination is made.

"(C) Notwithstanding subparagraphs (A) and (B), the total allotment for all service delivery areas within any one State shall not be less than one-quarter of one percent of the total allotted to all service delivery areas in all States.

"(D) For the purposes of subparagraphs (A) and (B), the allotment percentage for fiscal year 1990 is the percent of the funds allocated for youth programs (as determined by the Secretary) under title II to the service delivery area during the preceding fiscal year.

"(4) For the purposes of this section—

"(A) the term "economically disadvantaged youth" means an individual who is aged 16 through 21 and who has, or is a member of a family which has, received a total family income which, in relation to family size, was not in excess of the higher of (i) the poverty income guidelines promulgated each year by the Secretary of Health and Human Services, or (ii) 70 percent of the lower living standard income level.

"(B) the term "concentration" means the number which represents the number of economically disadvantaged youth in excess of 10 percent of the youth population in the service delivery area.

"(C) the Secretary shall, as appropriate and to the extent practicable, exclude college students and members of the armed forces from the determination of the number of economically disadvantaged youth and the size of the youth population in a service delivery area.

"(d)(1) The remainder available for allotment under this part shall be allotted to the States for the activities described in paragraph (2). The allotment shall be based upon the relative total amount of funds available to service delivery areas within the State as compared to the total amount of funds available to all service delivery areas in all States.

"(2) Of the allotment available to each State for each fiscal year under paragraph (1)—

"(A) Five-elevenths of the allotment to each State shall be available for overall administration, management, and auditing activities relating to programs under this title and for activities under sections 121 and 122;

"(B) Three-elevenths of the allotment to each State shall be available for developing the overall capability of the job training system within the State. Activities should be directed to achieve and further the goals of programs under this Act and may include the development and training of States and local service delivery area staff, the development of information and exemplary program activities, and the conduct of research and other activities designed to improve the level and degree of programs conducted under the Act;

"(C) Three-elevenths of the allotment to each State shall be available to provide incentive grants authorized under section 106(b)(7).

"ELIGIBILITY FOR SERVICES

"SEC. 253. (a) An individual who is in school shall be eligible to participate in the program under this part only if such individual is—

"(1) aged 16 through 21 or, if provided in the job training plan, aged 14 through 21;

"(2) economically disadvantaged, or receives a free lunch under the National School Lunch Act, or participates in a compensatory education program under chapter 1 of the Elementary and Secondary Education Act of 1965; and

"(3) included in one or more of the following categories:

"(A) Basic skills deficient;

"(B) Poor academic record, which for purposes of this subparagraph means performing at a level two or more years below the level appropriate to that individual's age;

"(C) Pregnant or parenting; or

"(D) Homeless, as defined by subsections (a) and (c) of section 103 of the Stewart B. McKinney Homeless Assistance Act.

"(4) Up to 10 percent of in-school individuals who participate in the program under this part in each service delivery area may be individuals who do not meet the requirements of paragraph (2) if such individuals: (A) meet the requirements of paragraph (1); and (B) either meet the requirements of paragraph (3) or experience other barriers to employment. Such individuals may include, but are not limited to, those who have limited English language proficiency, individuals with disabilities, alcoholics, or addicts.

"(b) An individual who is out of school shall be eligible to participate in the program under this part only if such individual is—

"(1) aged 16 through 21;

"(2) economically disadvantaged; and

"(3) included in one or more of the following categories:

"(A) Basic skills deficient;

"(B) School dropout (subject to the conditions described in section 254(c)(2));

"(C) Pregnant or parenting; or

"(D) Homeless, as defined by subsections (a) and (c) of section 103 of the Stewart B. McKinney Homeless Assistance Act.

"(4) Up to 10 percent of out-of-school individuals who participate in the program under this part in each service delivery area may be individuals who are not economically disadvantaged if such individuals: (A) meet the requirements of paragraph (1); and (B) either meet the requirements of paragraph (3) or face other barriers to employment. Such individuals may include, but not limited to, those who have limited English language proficiency, individuals with disabilities, offenders, alcoholics, or addicts.

"(c) Not less than 50 percent of the participants in the program under this part in each service delivery area shall be out-of-school individuals who meet the requirements of subsection (b).

"PROGRAM DESIGN

"SEC. 254. (a) The program under this part shall be conducted on a year-round basis.

"(b) The program under this part shall include—

"(1) an assessment of each participant's skill levels and service needs. The assessment may include such factors as basic skills, occupational skills, prior work experience, employability, interests, aptitudes and supportive service needs. A new assessment of a participant is not required where the program determines it is appropriate to use a recent assessment of the participant conducted pursuant to another education or training program, such as the JOBS program;

"(2) development of service strategies which shall identify achievement objectives, appropriate employment goals, and appropriate services for participants taking into account the assessments conducted pursuant to paragraph (1);

"(3) a review of each participant's progress in meeting the objectives of the service strategy; and

"(4) the following services, to be available to a participant where the assessment and service strategy indicate such services are appropriate:

"(A) Basic skills training;

"(B) Occupational skills training;

"(C) Pre-employment and work maturity skills training;

"(D) Work experience combined with skills training; and

"(E) Supportive services.

"(c) Services which may be made available to participants under this part may include, but need not be limited to—

"(1) Outreach;

"(2) Tutoring;

"(3) Study skills training;

"(4) Instruction for high school completion or certificate of high school equivalency;

"(5) Alternative high schools jointly established or supported with educational agencies;

"(6) Mentoring;

"(7) Individual and group counseling;

"(8) Drug and alcohol abuse counseling and referral;

"(9) Services encouraging parental, spousal and other significant adult involvement in the participant's program;

"(10) On-the-job training;

"(11) Limited internships in the private sector;

"(12) School-to-work transition services;

"(13) School-to-post secondary education transition services;

"(14) School-to-apprenticeship transition services;

"(15) Job search, job search skills training and job clubs; and

"(16) Needs-based payments.

"(d)(1) In developing service strategies and designing services for the program under this part, the service delivery area and private industry council shall take into consideration exemplary program strategies and practices.

"(2) As a condition of participation in the program under this part, an individual who is under the age of 18 and a school dropout shall:

"(A) Reenroll in and attend school;

"(B) Enroll in and attend an alternative high school;

"(C) Enroll in and attend an alternative course of study approved by the local educational agency; or

"(D) Enroll in and attend a high school equivalency program.

"(3) Pre-employment and work maturity skills training authorized by this part shall be accompanied by either work experience or other additional services designed to increase a participant's basic or occupational skills. The additional services may be provided, sequentially or concurrently, under other education and training programs, including the Job Corps and the JOBS Program.

"(4) Work experience, job search, job search skills training, and job clubs activities authorized by this part shall be accompanied by additional services designed to increase a participant's basic education or occupational skills. The additional services may be provided, sequentially or concurrently, under other education and training programs, including the Job Corps and the JOBS program.

"(5) Needs-based payments authorized under this part shall be limited to payments necessary to participate in the program in accordance with a locally developed formula or procedure.

"(6) Counseling and supportive services authorized under this part may be provided to a participant for a period of up to one year after the completion of the program.

"LINKAGES

"SEC. 255. (a) In conducting a program under this part, service delivery areas shall establish linkages with the appropriate educational agencies responsible for service to participants. Such linkages shall include but are not limited to—

"(1) formal agreements with local educational agencies that will identify—

"(A) the procedures for referring and serving in-school youth;

"(B) the methods of assessment of in-school youth; and

"(C) procedures for notifying the program when a youth drops out of the school system.

"(2) arrangements to ensure that the program under this part supplements existing programs provided by local educational agencies to in-school youth;

"(3) arrangements to ensure that the program under this part utilizes, to the extent possible, existing services provided by local educational agencies to out-of-school youth; and

"(4) arrangements to ensure that for in-school participants there is a regular exchange of information between the program and the educational agency relating to participant progress, problems and needs, including where appropriate interim assessment results.

"(b) In conducting the program under this part, the service delivery area shall establish appropriate linkages with other education and training programs authorized under Federal law. Such programs shall include, where feasible, programs authorized by—

"(1) Part B of title IV of this Act (the Job Corps);

"(2) Parts A through D of chapter 1 of the Elementary and Secondary Education Act of 1965;

"(3) The Carl D. Perkins Vocational Education Act;

"(4) The Education of the Handicapped Act;

"(5) The Wagner-Peyser Act;

"(6) Part F of title IV of the Social Security Act (JOBS);

"(7) The Food Stamp Act;

"(8) The National Apprenticeship Act; and

"(9) The Stewart B. McKinney Homeless Assistance Act.

"(c) In addition to the linkages required under subsections (a) and (b), service delivery areas shall establish other appropriate linkages to enhance the provision of services under this part. Such linkages may be established with State and local service agencies, public housing agencies, community organizations, business and labor organizations, volunteer groups working with at-risk youth, parents and family members, juvenile justice systems, and other training, education, employment and social service programs, including programs conducted under part A of title II.

"TRANSFER OF FUNDS

"SEC. 256. A service delivery area may transfer up to 10 percent of the funds provided under the part to the program under A of this title if such transfer is—

"(a) based on economic and labor market conditions specified by the Secretary in regulations as sufficient to warrant a transfer;

"(b) described in the job training plan; and

"(c) approved by the Governor and the Secretary.".

SEC. 117. STATE LINKAGE AND COORDINATION PROGRAM.

Title II of the Act is amended by adding the following new Part C:

"PART C—STATE LINKAGE AND COORDINATION PROGRAM

"STATEMENT OF PURPOSE

"SEC. 271. The Secretary, in order to increase State capacity to develop comprehensive and integrated education, training, and employment goals and strategies for youth and adults at risk of chronic unemployment and welfare dependency, shall through grants to States—

"(a) provide incentives to States willing to establish Statewide policies and strategies to achieve critical human resource development goals for at-risk populations;

"(b) encourage the use of resources provided under this Act to leverage other Federal, State and local resources, both public and private, to address the multi-faceted problems of at-risk youth and adults; and

"(c) encourage institutional change to develop and provide comprehensive and integrated education, training, and employment goals and strategies for youth and adults at risk of chronic unemployment and welfare dependency.

"AVAILABILITY OF FUNDS

"SEC. 272. (a) The Secretary is authorized to use the sums available pursuant to sec-

tions 202(b) and 252(b) to award grants to States under this part.

"(b) Upon approval of an application for funds, the Secretary shall award a State an allotment based upon the relative amount of funds available to service delivery areas within the State under parts A and B of title II as compared to the amount of funds available to all service delivery areas in all States under parts A and B of title II.

"(c) In any fiscal year in which an amount of funds under this part is not allotted due to a State or States not receiving approval of an application for funds, the amount available shall be reallotted as determined by the Secretary to States on the basis of the quality of the approved plans.

"APPLICATION FOR FUNDS

"SEC. 273. All States shall be eligible to apply for funds under this part. A State seeking assistance under this part shall submit an application for funds to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require. Such application must demonstrate a willingness to meet the following funding conditions—

"(a) the Senate shall establish human resource goals it is committed to achieving and describe how such goals complement or are distinct from the goals of existing programs. Examples of such goals, which must be measurable, are: reducing the school dropout rate; raising the achievement levels of youth; reducing welfare rates; and, through agreements with private employers, the guarantee of the job to every individual completing an education and job training program.

"(b) the State shall commit significant Federal, State and local resources within the State to achieve the stated goals. The application for funds must set forth a State plan for redirecting existing resources as appropriate and subject to applicable laws, to carry out the State initiative. Such resources may include, but are not limited to, other funds received under this Act, and funds made available from vocational and adult education programs, and JOBS.

"(c) the State shall describe a specific plan for achieving the goals. The plan shall propose specific sets of activities to achieve the goals, such as dropout prevention activities or school-to-work, apprenticeship or post-secondary education transition services. The plan shall identify measurable interim benchmarks toward achievement of State goals.

"REVIEW AND APPROVAL OF PLAN

"SEC. 274. (a) the Secretary shall establish and disseminate criteria for the awarding of grants under this part, which may include:

"(1) the extent to which the goals, strategies and accountability mechanisms will remedy the problems identified;

"(2) the extent of the resources to be committed from other Federal, State, local, public and private sources;

"(3) evidence of a commitment to the project by the Governor, chief executives of State education agencies, State welfare agencies, agencies administering this Act, and other State agencies, and representatives of local communities, including local elected officials, private industry councils, schools, welfare agencies and community groups as appropriate; and

"(4) specific plans for linking other programs funded under this Act education programs, JOBS, the local employment service and other human resource development programs.

"(b) The Secretary may award multi-year grants under this part based on an application from a State for a period not to exceed three years. Funding for the second and third years of the multi-year grant shall be contingent upon the availability of funds and the Secretary's determination that the state satisfied the conditions of the grant during the previous year.

"PROGRAM REVIEW AND OVERSIGHT

"SEC. 275. (a) The Secretary is authorized to monitor the progress of all recipients of State Linkage and Coordination Grants.

"(b) The State human resource investment council shall be responsible for overseeing the activities of the State in the performance of activities under the State plan.

"REPORTS

"SEC. 276. (a) The Secretary is authorized to establish requirements for state reporting on progress made in accomplishing the goals specified in each State's plan.

"(b) Each recipient under this part shall keep records that are sufficient to permit the preparation of reports on the progress being made in achieving the state's goal. Such reports shall be submitted to the Secretary, at such intervals as shall be determined by the Secretary, by the State human resource investment council.".

SEC. 118. EMPLOYMENT AND TRAINING ASSISTANCE FOR DISLOCATED WORKERS.

Section 314(f) of the Act is amended by—

"(a) inserting "(1)" after the subsection designation; and

"(b) inserting the following new paragraph after paragraph (1):

"(2) An eligible dislocated worker participating in training (except for on-the-job training) pursuant to this title shall be deemed to be in training with the approval of the state agency for purposes of section 3304(a)(8) of the internal Revenue Code of 1986.".

SEC. 119. JOB CORPS.

Section 427(a)(2) of the Act is amended by striking "10 percent" and inserting in lieu thereof "20 percent".

SEC. 120. NATIONAL ACTIVITIES.

Part D of title IV of the Act is amended to read as follows:

"PART D—NATIONAL ACTIVITIES

"NATIONAL PARTNERSHIP AND SPECIAL TRAINING PROGRAMS

"SEC. 451. To improve access to employment and training opportunities for those with special needs, to help alleviate skill shortages and enhance the competitiveness of the labor force, to meet special training needs that are best addressed on a multistate or industry-wide basis, and to encourage the participation and support of all segments of society to further the goals of this Act, the Secretary shall establish a system of special grants that are most appropriately administered at the national level. Such grants may include, but are not limited to:

"(a) Partnership programs with national organizations with special expertise in developing, organizing and administering employment and training programs at the national, State and local level, such as industry and labor associations, public interest groups, community-based organizations representative of groups that encounter special difficulties in the labor market, and other organizations with special knowledge or capabilities in education and training;

"(b) Programs that address industry-wide skill shortages, meet training needs that are best addressed on a multistate basis and further the goals of increasing the competitiveness of the U.S. Labor force.

"(c) Programs which require technical expertise available at the national level to serve specialized needs of particular client groups, including at-risk youth, offenders, individuals of limited English Language proficiency, individuals with disabilities, women, immigrants, single parents, substance abusers, displaced homemakers, youth, older workers, veterans, individuals who lack education credentials, public assistance recipients, and other individuals whom the Secretary determines require special assistance.

"RESEARCH, DEMONSTRATION, AND EVALUATION

"SEC. 452. (a) To assist the Nation in expanding work opportunities and ensuring access to those opportunities for all who desire it, the Secretary shall establish a comprehensive program of training and employment research, utilizing the methods, techniques, and knowledge of the behavioral and social sciences and such other methods, techniques, and knowledge as will aid in the solution of the Nation's employment and training problems. The program under this section may include studies concerning the development or improvememt of Federal, State, local, and privately supported employment and training programs; labor market processes and outcomes, including improving workplace literacy; policies and programs to reduce unemployment and the relationships thereof with price stability and other national goals; productivity of labor; improved means of using projections of labor supply and demand, including occupational and skill requirements and areas of labor shortages at the national and subnational levels; methods of improving the wages and employment opportunities of low-skilled disadvantaged, and dislocated workers and workers with obsolete skills; addressing the needs of at-risk populations, such as youth, homeless individuals and other dependent populations, older workers, and other groups with multiple barriers to employment; developing information on immigration, international trade and competition, technological change and labor shortages; and easing the transition from school to work, from transfer payment receipt to self-sufficiency, from one job to another, and from work to retirement.

"(b) The Secretary shall establish a program of pilot and demonstration programs through grants or contracts for the purpose of developing and improving techniques and demonstrating the effectiveness of specialized methods in meeting employment and training problems. These programs may include projects in such areas as school-to-work transition, new methods of imparting literacy skills and basic education, new training techniques (including projects undertaken with the private sector), methods to eliminate artificial barriers to employment, approaches that foster participation of groups which encounter special problems in the labor market (such as displaced homemakers, teen parents, welfare recipients), and processes that demonstrate effective methods for alleviating the adverse effects of dislocation and plant closings on workers and their communities. Demonstration projects shall include a formal, rigorous evaluation component. No pilot project under this subsection shall be financially assisted under the Act for a period of more than three years.

"(c)(1) The Secretary shall provide for the continuing evaluation of programs conduct-

ed under this Act, including the cost effectiveness of the program in achieving the purposes of the Act. The Secretary may also conduct evaluations of other federally funded employment-related activities including programs administered under the Wagner-Peyser Act, the National Apprenticeship Act, the Older Americans Act, the Trade Adjustment Assistance for Workers provisions of the Trade Act of 1974, and the Unemployment Insurance program under the Social Security Act. Evaluations conducted pursuant to this paragraph shall utilize sound statistical methods and techniques of the behavioral and social sciences, including random assignment methodologies when feasible. Such studies may include cost-benefit analysis of programs, their impact on communities and participants, the extent to which programs meet the needs of various demographic groups, and the effectiveness of the delivery systems used by various programs. The Secretary shall evaluate the effectiveness of programs authorized under this Act with respect to the statutory goals, the performance standards established by the Secretary, and the extent to which such programs enhance the employment and earnings of participants, reduce income support costs, and improve the employment competencies of participants in comparison to comparable persons who did not participate in such programs, and to the extent feasible, increase total employment over what it would have been in the absence of such programs.

"(2) The Secretary shall evaluate the impact of title II programs as amended by the Job Training Partnership Act Amendments of 1989 on participant employment, earnings and welfare dependency in multiple sites using the random assignment of individuals to groups receiving services under programs authorized under the amendments or to groups not receiving such services.

"TRAINING AND TECHNICAL ASSISTANCE

"SEC. 453. (a) The Secretary shall provide, directly or through grants, contracts, or other arrangements, appropriate preservice and inservice training for specialized, supportive supervisory, or other personnel, including job skills teachers, and appropriate technical assistance to programs under this Act, including the development and attainment of performance goals, and to other employment related programs administered by the Department of Labor, as the Secretary deems appropriate. Such activities may include the utilization of training and technical assistance capabilities that exist at the State and service delivery area level.

"(b) The Secretary is authorized to provide staff training and technical assistance services to States or service delivery areas in order to improve their staff training and technical assistance capabilities.

"(c) The Secretary shall disseminate materials and information gained from exemplary program experience and from research and demonstration activities which may be of use in the innovation or improvement of other programs conducted pursuant to this Act or to related programs conducted under other employment related legislation administered by the Department of Labor.".

SEC. 121. NATIONAL COMMISSION

Part F of title IV of the Act is amended—

(a) by striking "NATIONAL COMMISSION FOR EMPLOYMENT POLICY" in the heading and inserting in lieu thereof "NATIONAL COMMISSION FOR EMPLOYMENT AND VOCATIONAL EDUCATION POLICY";

(b) by striking "National Commission for Employment Policy" each place it appears and inserting in lieu thereof "National Commission for Employment and Vocational Education Policy";

(c) by striking the fourth sentence in section 472;

(d) by striking in section 473(7)—

(1) the subparagraph designation "(A)";

(2) the phrase "after consultation with the National Council for Vocational Education,"; and

(3) all of subparagraph (B).

SEC. 122. ESTABLISHMENT OF YOUTH OPPORTUNITIES UNLIMITED PROGRAM.

Title IV of the Act is amended by adding at the end therof the following new part:

"PART H—YOUTH OPPORTUNITIES UNLIMITED PROGRAM

"PROGRAM AUTHORIZED

"SEC. 491. The Secretary shall establish a national program of Youth Opportunity Unlimited grants to target comprehensive services to youth living in high poverty areas in the Nation's cities and rural areas.

"STATEMENT OF PURPOSE

"SEC. 492. The purpose of the Youth Opportunity Unlimited program include—

"(a) enabling communities with high concentrations of poverty to establish and meet goals for improving the opportunities available to youth within the community; and

"(b) facilitating the coordination of comprehensive services to serve youth in such communities.

"DEFINITIONS

"SEC. 493. For the purposes of this part:

"(a) the term "participating community" means the city in a Metropolitan Statistical Area or the contiguous non-metropolitan counties in a rural area that includes the target area for the Youth Opportunity Unlimited grant program.

"(b) the term "poverty area" means an urban census tract or a non-metropolitan county with a poverty rate of 30 percent or more as determined by the Bureau of the Census.

"(c) the term "target area" means a poverty area or set of contiguous poverty areas that will be the focus of the program in each participating community.

"APPLICATION FOR FUNDS

"SEC. 494. (a) The nation's cities and the non-metropolitan counties which have the highest concentrations of poverty, as determined by the Secretary based on the latest Census estimates, shall be eligible to apply for a Youth Opportunities Unlimited grant. The Governor of the State in which the eligible cities and counties are located may apply for funds to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require. The Secretary shall require that the application include at a minimum:

"(1) a comprehensive plan for the new Youth Opportunity Unlimited initiative designed to achieve identified goals for youth in the target area. The application shall state the goals, which must be measurable, and may include increasing the proportion of youths completing high school, the proportion entering into community colleges or other advanced training programs, or the proportion placed in jobs. The plan shall also include supporting goals for the target area such as increasing security and safety, or reducing the number of drug-related arrests. The plan shall also provide assurances that the conditions specified in section 495 will be satisfied; and

"(2) a memorandum of understanding which provides evidence of support for accomplishing the stated local goals from the State, local elected officials, local school board, applicable private industry council and service delivery area, local community leaders, business, labor and other appropriate organizations.

"(b)(1) the Secretary shall establish and disseminate selection criteria for the Youth Opportunity Unlimited grants which may include the goals to be achieved, the degree of demonstrated need, and the extent of community support.

"(2) the Secretary may select up to 25 communities to receive such grants during the first year after the program is authorized, and may select up to a total of 40 communities to receive such grants over the five-year authorization period.

"(3) the Secretary shall award the Youth Opportunities Unlimited grant to the local service delivery area in which the target area is located.

"(4)(A) the Secretary may award multiyear grants under this part for a period not to exceed three years. Funding for each year subsequent to the first year of the grant shall be contingent upon the availability of funds and the Secretary's determination that the conditions of the grant were satisfied during the previous year.

"(B) Upon reapplication, the Secretary may renew the grant authorized under subsection (A) for up to two additional years.

"GRANT CONDITIONS

"SEC. 495. Each participating community must agree to meet the following conditions:

"(a) The participating community shall designate a target area that will be the focus of the demonstration project. The target area shall have a population of not more than 25,000.

"(b) The participating community shall match the Federal grant by contributing an amount equal to 100 percent of the federal grant in each year. These local matching funds shall be from non-Federal sources.

"(c) Funds available under this part shall be used to support activities selected from a set of youth program models designated by the Secretary or alternative models described in the application and approved by the Secretary. These models may include non-residential learning centers; alternative schools conducted in cooperation with local school districts; combined summer remediation, work experience and work readiness training; school-to-work/apprenticeship/post-secondary education programs; teen parent programs; special programs run by community colleges; youth centers; and initiatives aimed at increasing rural student enrollment in post-secondary institutions.

"(d) Youth who are aged 14 through 21 and reside in the target area shall be eligible to participate in the program.

"(e) The local educational agency and any other educational agency which operates intermediate and secondary schools in the target area shall provide, based on the goals specified in the plan, such activities and resource as necessary to achieve the educational goals specified in the plan.

"(f) The participating community shall provide, based on the supportive goals specified in the plan, such activities and local resources as are necessary to achieve such goals.

"(g) The community shall carry out special efforts to establish linkages with Feder-

al, State, or local programs that serve the target population.

"REPORTING

"SEC. 496. The Secretary is authorized to establish such reporting procedures as necessary to carry out the purposes of this part.

"FEDERAL RESPONSIBILITIES

SEC. 497. (a) The Secretary shall:

"(1) provide for assistance in the implementation of this project in participating communities. The Secretary may reserve up to 10 percent of the amounts appropriated under this part to carry out this paragraph.

"(2) conduct or provide for an evaluation of the Youth Opportunities Unlimited program.".

SEC. 123. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Section 101(a)(1) of the Act is amended by striking "State job training coordinating council" and inserting in lieu thereof "State human resource investment council".

(b) Section 122(b)(2) of the Act is amended by striking "section 202(a)" and inserting in lieu thereof "sections 203(c) and 253(c)".

(c) Section 123(a) of the Act (as redesignated by section 111 of this title) is amended by striking "section 202(b)(4)" and inserting in lieu thereof "sections 202(d)(2)(A) and 252(d)(2)(A)".

(d) Section 141(k) of the Act is amended by striking "Section 205(d)(3)(B)" and inserting in lieu thereof "part B of title II".

(e) Section 161(b)(2) of the Act is amended by striking "through 455" and inserting in lieu thereof "and 453".

(f) Section 161(c) of the Act is repealed.

(g) Section 181 of the Act is repealed.

(h) Section 311(b)(9) of the Act is amended by striking "State job training coordinating council" and inserting in lieu thereof "State human resource investment council".

(i) Section 312(a) of the Act is amended by striking "State job training coordinating council" and inserting in lieu thereof "State human resource investment council".

(j) Section 313(a) of the Act is amended by striking "State job training coordinating council" and inserting in lieu thereof "State human resource investment council".

(k) Section 314(g)(1) of the Act is amended by striking "State job training coordinating council" and inserting in lieu thereof "State human resource investment council".

(l) section 317 of the Act is amended—

(1) by amending the section heading to read as follows:

"FUNCTIONS OF THE STATE HUMAN RESOURCE INVESTMENT COUNCIL";

and

(2) by striking "State job training coordinating council" and inserting in lieu thereof "State human resources investment council".

(m) Section 401(j) of the Act is amended by striking "3.3 percent of the amount available for part A of" and inserting in lieu thereof "2.95 percent of the amount available for".

(n) Section 402(f) of the Act is amended by striking "3.2 percent of the amount available for part A of" and inserting in lieu thereof "2.35 percent of the amount available for".

(o) Section 433(c)(1) of the Act is amended by striking "455" and inserting in lieu thereof "453".

(p) Section 463(a)(3) of the Act is amended by striking "section 125" and inserting in lieu thereof "section 123".

(q) Section 464(a)(3) of the Act is amended by striking "section 125" and inserting in lieu thereof "section 123".

(r) Section 481(a) of the Act is amended by striking "(a)(1)" after "203".

(s) The table of contents of the Act is amended by—

(1) amending the item relating to section 122 to read as follows:

"Sec. 122. State human resource investment council.".

(2) striking the items relating to sections 123 and 124 and redesignating the items relating to sections 125, 125, and 127 as sections 123, 124, and 125 respectively.

(3) striking the item relating to section 181;

(4) amending the items relating to title II to read as follows:

"TITLE II—TRAINING SERVICES FOR THE DISADVANTAGED

"PART A—ADULT OPPORTUNITY PROGRAM

"Sec. 201. Statement of Purpose.
"Sec. 202. Allotment.
"Sec. 203. Eligibility for services.
"Sec. 204. Program design.
"Sec. 205. Linkages.
"Sec. 206. Transfer of funds.

"PART B—YOUTH OPPORTUNITY PROGRAM

"Sec. 201. Statement of purpose.
"Sec. 202. Allotment.
"Sec. 203. Eligibility for services.
"Sec. 204. Program design.
"Sec. 205. Linkages.
"Sec. 206. Transfer of funds.

"PART C—STATE LINKAGE AND COORDINATION PROGRAM

"Sec. 271. Statement of purpose.
"Sec. 272. Availability of funds.
"Sec. 273. Application for funds.
"Sec. 274. Review and approval of plan.
"Sec. 275. Program review and oversight.
"Sec. 276. Reports.".

(5) amending the items relating to part D of the title IV to read as follows:

"PART D—NATIONAL ACTIVITIES

"Sec. 451. National partnership and special training programs.
"Sec. 452. Research, demonstration, and evaluation.
"Sec. 453. Training and technical assistance.".

(6) amending the heading relating to part F of title IV to read as follows:

"PART F—NATIONAL COMMISSION FOR EMPLOYMENT AND VOCATIONAL EDUCATIONAL POLICY".

(7) inserting after item relating to section 481 the following:

"PART H—YOUTH OPPORTUNITIES UNLIMITED PROGRAM

"Sec. 491. Program authorized.
"Sec. 492. Statement of purpose.
"Sec. 493. Definitions.
"Sec. 494. Application for funds.
"Sec. 495. Grant conditions.
"Sec. 496. Reports.
"Sec. 497. Federal responsibilities.".

SEC. 124. EFFECTIVE DATE; TRANSITION PROVISIONS.

(a) The amendments made by this title shall take effect on July 1, 1990.

(b) Performance standards shall be issued pursuant to the amendments contained in section 106 as soon as the Secretary determines sufficient data are available, but no later than July 1, 1994.

(c) The Secretary may establish such rules and procedures as may be necessary to provide for an orderly transition to and implementation of the amendments made by this title.

TITLE II—STATE HUMAN RESOURCE INVESTMENT COUNCIL

SEC. 201. ESTABLISHMENT OF STATE HUMAN RESOURCE INVESTMENT COUNCIL.

(a) Each State that receives assistance under an applicable program shall establish a single State council to—

(1) review the provisions of services and the use of funds and resources under applicable programs and advise the Governor on methods of coordinating such provision of services and use of funds and resources consistent with the provisions of the applicable programs; and

(2) advise the Governor on the development and implementation of State and local standards and measures relating to applicable programs and coordination of such standards and measures.

(b) Each State council established as required by subsection (a) shall consist of the following members appointed by the Governor:

(1) 30 percent shall be appointed from representatives of business and industry (including agriculture, where appropriate), including individuals who are representatives of business and industry on private industry councils within the State established under section 102 of the Job Training Partnership Act.

(2) 30 percent shall be appointed from representatives of organized labor and representatives of community-based organizations in the State.

(3) 20 percent shall consist of—

(A) the Chief administrative officer from each of the State agencies primarily responsible for administration of an applicable program; and

(B) other members appointed from representatives of the State legislature and State agencies and organizations, such as the State educational agency, the State vocational education board, the State board of education (if not otherwise represented), the State public assistance agency, the State employment security agency, the State rehabilitation agency, the State occupational information coordinating committee, State postsecondary institutions, the State economic development agency, the State veteran's affairs agency (or its equivalent), State career guidance and counseling organizations, and any other agencies the Governor determines to have a direct interest in the utilization of human resources within the State.

(4) 20 percent shall be appointed from—

(A) representatives of units of general local government or consortia of such units, appointed from nominations made by the chief elected officials of such units or consortia;

(B) representatives of local educational agencies and postsecondary institutions, which appointments shall be equitably distributed between such agencies and such institutions and shall be made from nominations made by local educational agencies and postsecondary institutions, respectively;

(C) representatives of local welfare agencies; and

(D) individuals who have special knowledge and qualifications with respect to the special education and career development needs of individuals who are members of special populations, women, and minorities, including one individual who is a representative of special education.

(c) In order to carry out its functions under this Act and under any applicable program, the State council shall prepare a budget for itself and submit the budget to the Governor for approval.

(d) The State council may obtain the services of such professional, technical, and clerical personnel as may be necessary to carry out its functions under this Act and under any applicable program.

(e) The State shall certify to the Secretary of Labor the establishment and membership of the State council at least 90 days before the beginning of each period of 2 program years for which a job training plan is submitted under the Job Training Partnership Act.

(f) For the purposes of this title, the term "applicable program" means any program under any of the following provisions of law:

(1) The Adult Education Act.

(2) The Carl D. Perkins Vocational Education Act.

(3) The Job Training Partnership Act.

(4) The Rehabilitation Act of 1973.

(5) The Wagner-Peyser Act.

(6) Subtitle F of title IV of the Social Security Act (JOBS).

SEC. 202. DUTIES OF STATE COUNCIL WITH RESPECT TO APPLICABLE PROGRAMS.

(a) DUTIES UNDER THE ADULT EDUCATION ACT.—

(1) Section 332 of the Adult Education Act (20 U.S.C. 1205a) is amended—

(A) by amending the section heading to read as follows:

"SEC. 332. DUTIES OF THE STATE HUMAN RESOURCE INVESTMENT COUNCIL WITH RESPECT TO ADULT EDUCATION."

(B) by amending subsection (a) to read as follows:

"(a)(1) Any State desiring to participate in the programs authorized by this title shall establish a State human resource investment council as required by section 201(a) of the Job Training Partnership Act Amendments of 1989 and shall require such council to act as a State advisory council on adult education.

"(2) A State that complies with the requirements of paragraph (1) may use funds under this subpart for the purposes of costs of the council attributable to this section.";

(C) by striking subsection (b);

(D) by redesignating subsection (c) as subsection (b);

(E) in subsection (b) (as redesignated by subparagraph (D) of this paragraph)—

(i) by striking "and membership"; and

(ii) by striking "State advisory council" and inserting "State human resource investment council";

(F) by striking subsections (d) and (e);

(G) by redesignating subsection (f) as subsection (c); and

(H) in subsection (c) (as redesignated by subparagraph (G) of this paragraph), by striking "State advisory council" and inserting "State human resource investment council".

(2)(A) Paragraph (2) of section 331(a) of the Adult Education Act (20 U.S.C. 1205(a)) is amended by striking "the State advisory council established pursuant to section 332" and inserting "the State human resource investment council".

(B) Subsection (a) of section 342 of the Adult Education Act (20 U.S.C. 1206a) is amended—

(i) in paragraph (1), by striking "the State advisory council" and all that follows and inserting "the State human resource investment council"; and

(ii) in subparagaph (B) of paragraph (3),—

(I) in the first sentence, by striking "the State advisory council" and all that follows and inserting "the State human resource investment council"; and

(II) in the second and third sentences, by striking "the State advisory council" each place it appears and inserting "the State human resource investment council".

(C) Section 312 of the Adult Education Act (20 U.S.C. 1201a) is amended by adding at the end the following new paragraph:

"(16) The term 'State human resource investment council' means the State human resource investment council described in section 332(a).".

(b) DUTIES UNDER THE CARL D. PERKINS VOCATIONAL EDUCATION ACT.—

(1) Section 112 of the Carl D. Perkins Vocational Education Act (20 U.S.C. 2322) is amended—

(A) by amending the section heading to read as follows:

"SEC. 112. DUTIES OF THE STATE HUMAN RESOURCE INVESTMENT COUNCIL WITH RESPECT TO VOCATIONAL EDUCATION."

(B) by striking "SEC. 112.";

(C) by amending subsection (a) to read as follows:

"(a) Each State which desires to participate in vocational education programs authorized by this Act for any fiscal year shall establish a State human resource investment council as required by section 201(a) of the Job Training Partnership Act Amendments of 1989 and shall require such council to act as the State council on vocational education.";

(D) in subsection (b)—

(i) by striking "and membership", and

(ii) by striking "State council" and inserting "State human resource investment council";

(E) by striking subsection (c);

(F) by redesignating subsections (d), (e) and (f), as subsections (c), (d), and (e), respectively;

(G) in subsection (c) (as redesignated by subparagraph (F) of this paragraph)—

(i) by striking "State council" and inserting "State human resource investment council,"; and

(ii) in subparagraph (B) of paragraph (9), by striking "the State job training coordinating council,";

(H) in subsection (d) (as redesignated by subparagraph (F) of this paragraph)—

(i) by striking "State council" and inserting "State human resource investment council"; and

(ii) by striking "Council" and inserting "council"; and

(I) in subsection (e) (as redesignated by subparagraph (F) of this paragraph)—

(i) in paragraph (1), by striking "State councils" each place it appears and inserting "State human resource investment councils"; and

(ii) in paragraphs (1) and (2), by striking "State council" each place it appears and inserting "State human resource investment council".

(2) Section 111 of the Carl D. Perkins Vocational Education Act is amended—

(A) in paragraph (1) of subsection (a)—

(i) in subparagraph (B) by striking "State council on vocational education" and inserting "State human resource investment council"; and

(ii) in subparagraph (C), by striking "State council established pursuant to section 112" and inserting "State human resource investment council";

(iii) in subparagraph (D), striking "; and" and inserting a semicolon;

(iv) in subparagraph (E)—

(I) by striking "the State job training coordinating council" and inserting "the State human resource investment council"; and

(II) by striking "their respective programs" and inserting "programs under this Act and programs under the Job Training Partnership Act"; and

(B) in the first sentence of subsection (d), by striking "State council" and inserting "State human resource investment council"; and

(3) The table of contents contained in section 1 of the Act is amended by striking the item relating to section 112 and inserting the following:

"SEC. 112. Duties of the State human resource investment council with respect to vocational education.

(c) DUTIES UNDER THE REHABILITATION ACT OF 1973.—The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) is amended by inserting after section 18 the following new section:

"STATE HUMAN RESOURCE INVESTMENT COUNCIL

"SEC. 19. The State human resource investment council established under section 201(a) of the Job Training Partnership Act Amendments of 1989 shall review the provision of services and the use of funds and resources under this Act and advise the Governor on methods of coordinating such provision of services and use of funds and resources with the provision of services and the use of funds and resources under—

"(1) the Adult Education Act;

"(2) the Carl D. Perkins Vocational Education Act;

"(3) the Job Training Partnership Act;

"(4) the Wagner-Peyser Act; and

"(5) Part F of title IV of the Social Security Act (JOBS)."

(d) DUTIES UNDER THE WAGNER-PEYSER ACT.—The Wagner-Peyser Act (29 U.S.C. 49) is amended—

"(1) by redesignating section 15 as section 16; and

"(2) by inserting after section 14 the following new section:

"SEC. 15. The State human resource investment council established under section 201(a) of the Job Training Partnership Act Amendments of 1989 shall review the provision of services and the use of funds and resources under this Act and advise the Governor on methods of coordinating such provision of services and use of funds and resources with the provision of services and the use of funds and resources under—

"(1) the Adult Education Act;

"(2) the Carl D. Perkins Vocational Education Act;

"(3) the Job Training Partnership Act;

"(4) the Rehabilitation Act of 1973; and

"(5) Part F of title IV of the Social Security Act (JOBS)."

(3) in subsection (b) of section 8 by striking "State job training coordinating council" and inserting "State human resource investment council";

(4) in subsection (a) of section 11 by striking "State job training coordinating council" and inserting "State human resource investment council."

(e) DUTIES UNDER PART F OF TITLE IV OF THE SOCIAL SECURITY ACT.—Section 483 of the Social Security Act (42 U.S.C. 683) is amended by:

(1) inserting after subsection (c) the following new subsection:

"(d) In order to assist the Governor in carrying out subsection (a) of this section, the

State human resource investment council established under section 201(a) of the Job Training Partnership Act Amendments of 1989 shall review the provision of services and the use of funds and resources under this part and advise the Governor on methods of coordinating such provision of services and use of funds and resources with the provision of services and the use of funds and resources under—

"(1) the Adult Education Act;

"(2) the Carl D. Perkins Vocational Education Act;

"(3) the Job Training Partnership Act;

"(4) the Rehabilitation Act of 1973; and

"(5) the Wagner-Peyser Act.".

(2) in paragraph (2) of subsection (a) by striking "State job training coordinating council" each place it appears and inserting "State human resource investment council".

SEC. 203. EFFECTIVE DATE.

The amendments made by this title shall take effect July 1, 1990.

SECTION-BY-SECTION ANALYSIS OF JOB TRAINING PARTNERSHIP ACT AMENDMENTS OF 1989

Section 1 of the bill provides that this Act entitled the "Job Training Partnership Act Amendments of 1989."

Title I of the bill contains the amendments to JTPA.

Section 101 amends section 2 of JTPA to revise the statement of purpose of the Act. The revision is intended to clarify the intended objectives of the programs provided under JTPA. The revision states that the purpose of JTPA is to establish programs to prepare youth and adults facing serious barriers to employment for participation in the labor force by providing services that will result in increased employment and earnings, improved educational and occupational skills, and decreased welfare dependency.

Section 102 amends section 3(a) of JTPA to authorize appropriations for the new Youth Opportunities Unlimited program that is added to title IV of JTPA by this bill. The authorization is for $25 million for FY 1990, and $50 million for each of the next four succeeding fiscal years.

Section 103 amends section 4 of JTPA with respect to definitions. This section of the bill adds the term "basic skills deficient" to the definitions section. The term is defined as reading or computing skills at or below the 8th grade level on a generally accepted standardized test or equivalent score on a criterion referenced test. This definition is consistent with the definition of the term used in programs under the Adult Education Act and provides a benchmark of a skill level at or below which individuals are likely to experience difficulties in obtaining long-term employment. The term is defined because basic skills deficient is a criterion for eligibility in the new title II programs established by this bill.

The definition of supportive services is amended to include drug and alcohol abuse counseling and referral, and individual and family counseling. These additional services provide essential support to many participants to enable them to successfully complete JTPA programs.

The term "educational agency" is also added to the definitions section. The term includes, in addition to the institutions covered by the current definitions of State and local educational agencies, alternative schools and postsecondary institutions. This broader term is needed to include the expanded range of educational institutions that could play an important role in some of the new title II programs.

Finally, the term "school dropout" is also added to this section since it would be a criterion for eligibility in the new programs. The definition is based on definition of the term that is currently contained in section 203(b)(3) of JTPA.

Section 104 amends section 102(a) of JTPA by including representatives of local welfare agencies on the Private Industry Councils (PICs). PICs have a central role in providing policy guidance and exercising oversight of the activities conducted under JTPA. Since a significant proportion of JTPA participants are welfare recipients, it is important that local welfare agencies be added to the PICs. Greater involvement of local welfare agencies would also promote closer coordination between JTPA and the new Job Opportunities and Basic Skills Training (JOBS) program that was enacted as part of the Family Support Act.

Section 105 amends section 104 of JTPA with respect to the elements included in each service delivery area's job training plan for title II programs. This section reorders the elements contained in current law to group related requirements together and adds some new elements. The new elements include, in section 104(b)(4), a description of the linkages established by the service delivery area with other agencies and organizations to avoid duplication and enhance the delivery of services under title II programs. Specifically, the plan is to describe such linkages as agreements with educational agencies, arrangements with other federal programs providing education, training and employment services, and efforts to coordinate services with local agencies and organizations. Another new element, contained in section 104(b)(8), includes a description of the assessment process that will identify each participant's skill levels and service needs, the PIC-established competency levels that are to be achieved by participants as a result of a program participation, and the procedures to be used for evaluating the progress of participants in achieving competencies. The items to be described are new elements that would be added to title II programs by this bill.

Section 106 amends section 106 of JTPA to revise the requirements for performance standards. This section would add a provision to current law to provide that the Secretary consult with the Secretaries of HHS and Education in prescribing standards for title II programs.

With respect to the performance standards for the adult program, changes to current law include adding as a basic measure of performance the acquisition of basic and occupational skills. This addition reflects the increased emphasis in the new program on the development of basic skills as a measure of long-term employability, and complements the primary adult performance standard of entered employment.

This section also adds a new paragraph to the performance standards section providing that the levels for youth and adult competency standards are to be determined by the PIC, in consultation with educational agencies and private sector employers, and based on such factors as entry skill levels and other hiring requirements.

Another addition is a provision, which replaces section 202(b)(3) of current law, that each Governor is to award incentive funds to SDAs for achieving the performance standards for title II programs. Under this amendment, the award is not to take into consideration cost standards and is to include factors designated by the Secretary, which may include such factors as the extent to which target groups are served successfully and the quality of service.

Section 107 would amend 107 of JTPA by adding a new subsection to provide that the selection of service providers be made on a competitive basis to the maximum extent possible. The subsection also adds that in selecting service providers the entity administering the job training plan is to consider the ability of potential providers in meeting program design requirements and accomplishing the goals contained in the Governor's Coordination and Special Services Plan. Finally, the subsection requires documentation of compliance with procurement standards established by the Governor. These measures are intended to improve accountability in the selection process.

Section 108 amends section 108(a) of JTPA to require, within a limited exception, that all expenditures under the Act be charged to appropriate cost categories. This amendment would promote increased accountability. Section 108(b) is amended to establish new cost categories and cost limitations for programs under title II. Not more than 15 percent of the funds available to a service delivery area for any fiscal year are to be for administrative expenses.

Not more than 35 percent of the funds available may be expended for administrative *plus* the following services: assessment of participants, supportive services, needs-based payments, and certain work experience expenditures. The work experience expenditures to be included in this category are 50 percent of such expenditures under the adult program and 50 percent of work experience expenditures under the youth program for work experience conducted during non-summer months in excess of 250 hours.

This 35 percent limitation is an increase from the current law limit of 30 percent which now applies to supportive services, needs-based payments and a broader range of work experience expenditures. The increase in the limit is in consideration of the addition to this category of assessment, which would be required for each participant, and in recognition that a more disadvantaged population will require more comprehensive supportive services.

This section also includes a provision that would allow the Governor to approve an increase in the administrative cost limitation from 15 to 20 percent if justification for the increase is provided in the job training plan and relates to outreach and recruitment of hard-to-serve populations or to innovative or extensive arrangements of linkages with other programs and organizations. If the increase in the administration cost limitation from 15 to 20 percent is approved, the combined administration plus supportive service limitation may be increased from 35 to 40 percent.

Section 109 amends section 121(b) of JTPA to require that some additional elements be included in the Governor's Coordination and Special Services Plan. One new element would be a description of measures taken by the State to facilitate coordination and avoid duplication between JTPA programs and JOBS in the delivery of services. Another new element would be a description of the State's efforts to build the capacity of the job training system, including the Governor's plans for research and demonstration projects, and technical assistance arrangements. Finally, the section adds to the list of activities that may be included in the plan initiatives undertaken pursuant to

the new State Linkage and Coordination Program that would be established by this bill as a new part C of title II.

Section 110 would amend section 122 of JTPA to redesignate the State Job Training Coordinating Council (SJTCC) as the State human resource investment council. This council, which is established under title II of these amendments, would have the same responsibilities with respect to JTPA as the current SJTCC. The council is intended to facilitate improved statewide coordination of certain federally-assisted human resource programs, and its broader functions are described in the explanation of title II.

Section 111 repeals section 123 of JTPA, which provides for State Education and Coordination grants, and section 124 of JTPA, which provides for training programs for older individuals. The Education grants would be replaced under this bill by the new State Linkage and Coordination program. The new program, which would be established as a new part C of title II, would authorize States to select a broader range of goals and activities to serve the disadvantaged than are authorized under the Education grants. The older worker program is eliminated because the needs of such workers would best be addressed through the revised adult program under title II.

Section 112 amends section 141 of JTPA relating to general program requirements. The bill amends section 141(d)(3) to add a new subparagraph which states that a breakdown of cost does not have to be performed for tuition charges for training and education provided by postsecondary education institutions and colleges where such charges do not exceed the charges made available to the general public. This provision, and the current law provision that no breakdown is required where commercially available training packages are available for off-the-shelf prices, are the only situations where expenditures would not have to be charged among the categories provided in section 108.

This section also amends section 141(g) of JTPA to provide that on-the-job training authorized under the Act be limited in duration to a period generally required to develop the particular occupational skill, but in no event is to exceed 6 months. In determining the appropriate period, consideration is to be given to recognized reference materials, the content of the training, and the participant's service strategy.

This section amends section 141(m) to clarify that net income earned by a public or private non-profit entity from a JTPA program may only be retained if it is used to continue to carry out the program, and adds that, as under current law, such use is permitted even if financial assistance for the program has expired. This amendment also provides a definition of income.

Section 113 amends section 164(a) to revise the procurement standards. Under current law, whatever general procurement requirements are contained in each State's law apply to JTPA programs. This amendment would require the Governor to establish certain minimum standards for JTPA programs to improve accountability. The standards prescribed by the Governor are to ensure that procurements are competitive to the maximum extent possible, are accompanied by an analysis of the reasonableness of costs in the contract, and are in accordance with local written selection procedures established prior to requesting proposals. In addition, the standards are to ensure that all deliverables and the basis for payment are specified in the contract, and that recipients conduct oversight to ensure compliance with the procurement standards. It may be noted that this section of the bill also drops some current provisions relating to JTPA audits since those provisions have been superceded by the Single Audit Act.

Section 114 amends section 165(c) of JTPA to further enhance accountability by adding a requirement that States, administrative entities conducting the program and recipients (other than sub-recipients) monitor the performance of service providers in complying with the terms of agreements made pursuant to JTPA.

Section 115 amends part A of title II of JTPA to establish the new Audit Opportunity Program.

Section 201 of JTPA is amended to state that the purpose of the adult program is to establish programs to prepare adults for participation in the labor force by increasing their educational and occupational skills with the result of improving their long-term employability, increasing their employment and earnings and reducing their welfare dependency.

Section 202 of JTPA is amended to provide a new formula for the allotment of funds under the adult program. The current formula under title II-A does not sufficiently target resources to the eligible economically disadvantaged adult population. Under the current formula, two-thirds of the funds are allotted based on the share of unemployment in an area rather than on the extent or concentration of the economically disadvantaged population in that area. The result has been that local SDAs may not receive funds in proportion to their share of the eligible population. In addition, because unemployment rates can fluctuate, the allotments have been subject to large annual variations which have hampered the local PICs ability to engage in long-term planning or to build strong service delivery capacity. This bill revises the formula to improve targeting of the eligible population, promote equitable funding of SDAs which have the same number of the disadvantaged, and stabilize funding to enhance local planning.

Subsection (a) of the amended section 202 of JTPA retains a small percentage of funds for certain areas, including the U.S. territories.

Section 202 (b) is amended to allow the Secretary to reserve up to 5 percent of the remaining funds for the new Linkage and Coordination Program established as part C of title II under this bill.

Section 202(c) provides that after determining the amounts allotted under subsections (a) and (b), 89 percent of the remainder is to be allotted by the Secretary to the States for allocation to SDAs. The amount of each SDA allocation would be determined by the Secretary in accordance with the following formula: 50 percent would be allotted on the basis of the relative number of economically disadvantaged adults in each SDA as compared to the number of such adults in all SDAs; 37.5 percent would be allotted on the basis of the relative concentration of economically disadvantaged adults in each SDA (concentration is defined as the number in excess of 10 percent of the total adult population in the SDA); and 12.5 percent is to be allotted on the basis of the relative number of unemployed individuals in the SDA.

A significant feature of this formula is that it is based on relative numbers of eligible individuals among all SDAs in the country rather than among SDAs within States or among States. This approach ensures that SDAs with the same number of eligible adults receive equal allotments and that funding does not vary simply because the SDAs are located in different States.

This section also includes provisions that no SDA will receive less than 90 percent or more than 130 percent of its previous fiscal year's allotment percentage. These provisions promote funding stability and enable improved planning of programs. This section also includes a provision, to protect small States, that no State will receive less than one quarter of one percent of the total allotment.

Section 202(d) is amended to provide for the allotment to the States of the remaining 11 percent of the funds available for distribution by the Secretary. The Secretary is to allot these funds based on the relative amount of funds available to SDAs within the State as compared to the total amount of funds available to all SDAs in all States.

These allotments are available to the States for the following purposes: five-elevenths of the allotment is available for administrative activities, for the Governor's coordination plan, and for the State council (this is consistent with the 5 percent set-aside for such activities under the current II-A formula); three-elevenths of the allotment is available for developing the overall job training system capabilities within the State; and three-elevenths of the allotment is available to provide for incentive grants authorized under the performance standards section. Under the current title II-A formula, there is a State set-aside for performance incentive grants to SDAs and unused grant funds may be used by the Governor for technical assistance to SDAs. These amendments would provide separate set-asides for these two functions.

Section 203 is amended to provide the new eligibility requirements for the adult program. Section 203(a) provides as general eligibility requirements that an individual must be 22 years of age or older and economically disadvantaged. Section 203(b) provides that at least 50 percent of the participants in each SDA, in addition to meeting the general requirements, must also be included in one or more of the following categories: basic skills deficient; school dropouts; AFDC recipients in a target group under the JOBS program or who have received an employability plan under JOBS; unemployed for the previous 6 months or longer; individuals with disabilities; or homeless as defined in the McKinney Act. These categories are intended to identify individuals who are likely to need assistance to enhance their employability and who would realize long-term benefits from services provided under JTPA.

Section 203(c) retains the current "window" that allows 10 percent of the participants to be individuals who are not economically disadvantaged if such individuals experience other barriers to employment.

Section 204 is amended to establish the program design for the new adult program.

Section 204(a) provides certain features that are to be included in all adult programs under part A. First, the program is to include an assessment of each participant's skill levels and service needs. A new assessment is not required if the program determines it is appropriate to use another recent assessment conducted by another program. Second, the program is to develop service strategies which identify the employment goal, achievement objectives and the services to be provided to participants, taking

into account the assessment. Third, the program is to review each participant's progress in meeting the objectives of the service strategy. Fourth, where the assessment of a participant and service strategy indicates it is appropriate, the program is to make available basic and occupational skills training. These elements are essential to ensure that the services provided address those problems which would hamper the long-term employability of participants. It should, however, be noted that the service strategy is not intended to be a contract and these provisions do not create an entitlement for participants.

Section 204(b) provides a list of services which may be provided under the adult program. The 29 services listed are not intended to be exhaustive, but suggest the kinds of services that may enhance the development of skills and employability of adult participants. Most of these services are included under current law. The list includes various training activities, such as on-the-job training, programs combining workplace training and classroom instruction, job search skills training and placement assistance, and counseling and supportive services.

Section 204(c) imposes limitations on some of the services authorized under this part. Basic skills training is, where appropriate, to have a workplace context and be integrated with occupational skills training. The provision of job search, job search skills training, job clubs, and work experience are to be accompanied by other services designed to increase a participant's basic education or occupational skills. There is an exception to this limitation whereby job search, job search skills training and job club activities may be provided as "stand-alone" services if the assessment and service strategy indicates that no additional services are appropriate and the activities are not available through the Employment Service or other public agencies. Needs-based payments, as under current law, are to be limited to payments necessary to participate in the program in accordance with a locally developed formula or procedure. Finally, counseling and supportive services may be provided for a period of up to one year after program completion. This final provision allows provision of these important follow-up services that are often needed to ensure a participant's effective transition to employment. However, it is expected that employers would quickly assume the responsibility for employment-related counseling.

Section 205 is amended to provide the linkages that are to be established in conducting the adult program. Linkages with other programs and entities will enhance the range, quality and effectiveness of services provided under the program and is therefore an essential component. This section identifies some of the most important programs and activities. Section 205(a) is amended to provide that linkages are to be established, where feasible, with other Federal programs. The listed programs include programs under the Adult Education Act, the Perkins Vocational Education Act, and JOBS.

Section 205(b) is amended to provide that additional linkages are to be established that would enhance the provision of services with such entities as State and local educational agencies; community, business and labor organizations; and volunteer groups.

Section 206 would allow a service delivery area to transfer up to 10 percent of the funds available for adult programs to the youth program under part B if certain conditions are met. Those conditions are that the transfer is based on economic and labor market conditions specified by the Secretary in regulations to be sufficient to warrant a transfer, that the transfer is described in the job training plan, and that the transfer is approved by the Governor and the Secretary. It is not intended that such transfers occur except in unusual economic circumstances.

Section 116 amends part B of title II of JTPA to establish the new Youth Opportunity Program.

Section 251 of JTPA is amended to revise the purposes of the youth program. The purposes include improving the long-term employability of youth, enhancing their educational and occupational skills, encouraging school completion or enrollment in alternative school programs, improving the employment and earnings of youth, reducing welfare dependency, and assisting youth in addressing problems which impair their ability to make successful transitions from school to employment or advanced education or training programs.

Section 252 is amended to revise the allotment formula to improve the targeting of resources to eligible economically disadvantaged youth. Since the current II-B formula is the same as the current II-A formula, it shares the problems described in the explanation of the amended section 202. Those problems include lack of sufficient weight to the number of disadvantaged youth residing in an SDA and instability in funding due to reliance on unemployment rates.

The revised funding formula for the youth program is similar to the revised adult formula. There is a set-aside for certain areas, including U.S. territories, and a five percent set-aside for the new State Linkage and Coordination Program. Of the remainder, 89 percent is allotted to SDAs, with 50 percent allotted on the basis of the relative number of economically disadvantaged youth within each SDA as compared to the total number of such youth in all SDAs, 37.5 percent allotted on the basis of the relative concentration of such youth in an SDA (concentration defined as the number of economically disadvantaged youth in excess of 10 percent of the youth population in the SDA) and 12.5 percent allotted on the basis of the relative number of unemployed individuals in each SDA. This formula improves targeting to SDAs with the greatest need.

This section also includes a 90 percent "hold harmless" and, a 130 percent "stop gain" provision to ensure funding stability and improve local planning. It also includes a minimum total allotment which protects small States. For purposes of this section the Secretary is to exclude, where feasible, college students and members of the armed forces from determinations of the number of economically disadvantaged youth and the size of the youth population in each SDA.

The remaining 11 percent of the funds are to be allocated among the States in the same manner and for the same purposes as the adult formula (i.e., five-elevenths for management, three-elevenths for capacity building, three-elevenths for performance incentives.)

Section 253 is amended to provide new eligibility requirements. Section 253(a) is amended to provide the requirements for in-school youth. An individual who is in school is eligible if first, such individual is aged 16 through 21 or, if provided in the job training plan, 14 through 21; second, such individual is economically disadvantaged, is receiving a free lunch under the National School Lunch Act, or participates in a Chapter 1 compensatory education program; and third, the individual is in one or more of the following categories: basic skills deficient, poor academic record, pregnant or parenting, or is homeless.

Up to 10 percent of in-school individuals who participate in the youth program may be individuals who do not meet the second requirement if they are either included in one of the categories listed under the third requirement or experience other barriers to employment.

Under the amended Section 253(b), individuals who are out of school are eligible for the youth program if first, they are aged 16 through 21; second, they are economically disadvantaged; and third, they are included in one or more of the following categories: basic skills deficient, school dropout, pregnant or parenting, or are homeless. Up to 10 percent of out-of-school individuals who participate in the program need not be economically disadvantaged if they face other barriers to employment.

Section 253(c) provides that at least 50 percent of the participants in the youth program in each SDA must be out-of-school youth who meet the requirements of subsection (b).

Section 254 is amended to provide the design for the youth program. Section 254(a) provides that the youth program is to be conducted on a year-round basis.

Section 254(b) is amended to provide that the program includes an assessment of each participant's skill levels and service needs, development of service strategies which identify achievement objectives, appropriate employment goals and services to be provided, and a review of each participant's progress in meeting the objectives of the service strategy.

Where the assessment and the service strategy indicate such services are appropriate, the youth program is to make available to participants the following services: basic skills training, occupational skills training, pre-employment and work maturity skills training, work experience combined with skills training, and supportive services. As indicated above with respect to the adult program, the service strategy is not to be considered a contract and these provisions do not create an entitlement for participants.

Section 254(c) is amended to provide a list of services which may be provided under the program. These services include mentoring, tutoring, study skills training, instruction for high school completion or certificate of high school equivalency, and limited internships in the private sector.

Other services listed include alternative high schools jointly established or supported with educational agencies and school-to-work, apprenticeships and postsecondary education transition services.

This list, which is not exhaustive, provides for a comprehensive set of services that are intended to address the multiple barriers to employment often experienced by at-risk youth.

Section 254(d) contains certain conditions relating to the program. First, in developing service strategies and designing services, the SDAs and PICs are to take into consideration exemplary program strategies and practices. It is intended that this condition will promote effective planning.

Second, school dropouts that are under the age of 18 must reenroll in and attend a school or alternate shcool program as a condition of participation.

Third, pre-employment and work maturity skills training are to be accompanied by either work experience or by additional basic or occupational skills training.

Fourth, work experience, job search, job search skills training and job clubs activities are also to be accompanied by basic or occupational skills training.

These third and fourth conditions requiring combinations of services are intended to ensure the kind of intensive training that will enhance the long-term employability of youth participants. Under these conditions, the additional services may be provided, sequentially or concurrently, under other programs. Such programs may include the Job Corps and JOBS. This provision is intended to promote coordination between programs and flexibility in determining how these services are to be delivered.

It should also be noted that this section does not prohibit the provision of summer work experience to participants. However, such work experience would have to be one part of a youth's service strategy and accompanied by additional education or training in the year-round program.

A fifth condition is that needs-based payments are to be determined in accordance with a local formula as under current law. Finally, this subsection authorizes the provision of counseling and supportive services for a period of up to one year after a participant has completed the program.

Section 255 is amended to provide for linkages between SDAs and other entities and programs to ensure the effective, comprehensive, and coordinated delivery of services under the youth program.

Section 255(a) requires that SDAs establish linkages with educational agencies. These linkages are to include formal agreements with local educational agencies that will identify the procedures for referral and provision of services to in-school youth, the methods of assessment of in-school youth, and procedures for notifying the program when a youth drops out of the school system. Other linkages with educational agencies are to include arrangements to ensure that the program supplements existing programs provided by local educational agencies to in-school youth, arrangements to ensure that the program utilizes existing services provided by local educational agencies to out-of-school youth, and arrangements to ensure regular exchanges of information between the program and local educational agencies regarding the progress of in-school participants.

Under the design of the youth program, educational agencies will play a key role. The linkages described above are intended to ensure the coordination of those agencies and of existing programs with the program under part B.

Section 255(b) provides that SDAs shall also establish appropriate linkages with other Federal programs such as the Job Corps, vocational education programs, chapter 1 compensatory education programs, special education programs and JOBS.

Section 255(c) provides that linkages which would enhance the delivery of services under the youth program should also be established with other agencies and organizations, such as local service agencies, business and labor organizations, and volunteer groups.

Section 256 allows for a transfer of up to 10 percent of funds from the youth program to the adult program under part A if the same conditions governing transfers from the adult to the youth program are met (i.e., sufficient economic conditions and approval of the Governor and Secretary).

Section 117 amends title II of JTPA to establish the State Linkage and Coordination Program as a new part C. The purpose of the program as described in the new section 271 is to: encourage States to establish policies and strategies which address human resource development goals for those at risk of chronic unemployment and welfare dependency; to encourage States to use resources provided under JTPA to leverage other Federal, State and local resources to address the needs of those at risk; and to encourage institutional change to develop and provide comprehensive and integrated education, training and employment goals for at-risk youth and adults.

The new section 272 references the set-aside in the title II allocation formula as the source of funds for this part and provides that upon approval of an application for funds a State will receive the same proportion of funds as the State receives to carry out parts A and B of title II. If funds are available in any fiscal year due to a State not applying for or receiving approval of an application, this section provides that the Secretary is to reallot the funds to other States on the basis of the quality of their plans.

The new section 273 provides the procedures for applying for funds under the program. All States are eligible to apply and may submit an application in accordance with requirements established by the Secretary. The application is to demonstrate a willingness to meet certain conditions. First, the State must establish human resource goals it is committee to achieving. The goals are to be measurable and may, for example, include reducing the school dropout rate, raising youth achievement levels, and/or reducing welfare rates.

Second, the State must demonstrate a willingness to target significant Federal, State and local resources to the goals. Consistent with this requirement, the application is to set forth plans for redirecting existing resources. Examples of such resources are other JPTA funds, vocational education funds, and funds available for the JOBS programs.

Third, the State is to set forth a specific plan for achieving the goals. The plan is to include specific sets of activities designed to achieve the goals. For example, one set of activities may include dropout prevention services. In addition, the plan is to identify measurable interim benchmarks for achievement of the goals.

The new section 274 includes the procedures for reviewing and approving the application. The Secretary is to establish the selection criteria which may include such factors as the extent to which the goals and strategies will address identified problems, the extent of other resources to be committed, evidence of a commitment from the Governor and other State and local organizations and groups, and the plans for linking various programs to achieve the goals. Under this section, the Secretary is authorized to award multi-year grants for up to a three-year period, with funding after the first year dependent on the availability of funds and the State satisfying the grant conditions during the previous year.

Section 275 provides for program review and oversight. The Secretary has monitoring authority and the State human resource investment council is responsible for overseeing activities under the program within the States.

Section 276 provides that the Secretary may establish reporting requirements and that each participating State must keep records sufficient to report on the progress being made in achieving the goals. Such reports are to be submitted at intervals to be determined by the Secretary.

This new program provides an innovative approach to the coordination of resources and organizations in order to promote services to the disadvantaged. It recognizes the importance of a coordinated human resource policy and offers a means to promote such coordination.

Section 118 amends section 314(f) of JTPA to provide that participation in training, except for on-the-job training, under the Title III dislocated worker program is to be deemed to be approved training for purposes of the unemployment compensation (UC) program. There is a provision relating to the UC program (3304(a)(8) of the IRC) that provides UC is not to be denied because an individual is in training approved by the State agency. This amendment would facilitate coordination between Title III and the UC program by providing Title III training is to be deemed approved by the State agency. A similar provision was part of Title III until last year's revision of the dislocated worker program by the Omnibus Trade and Competitiveness Act (OTCA). The Conference Report for OTCA (House Rept. 100-576, p. 1030) indicated that the approved training rule was to be included in Title III, but the provision did not appear in the final text of the Act.

Section 119 of the bill amends section 427(a)(2) of JTPA to increase the ceiling on the proportion of non-residential slots in the Job Corps program from 10 percent to 20 percent. The increase is intended to promote increased access to the program by disadvantaged young women who have small children and are therefore unable to participate in the residential program.

Section 120 would amend part D of title IV of JTPA to simplify, clarify, consolidate, and update provisions relating to National Activities. It authorizes three sets of activities: national partnership and special training programs; research, demonstration, and evaluation; and training and technical assistance.

Section 451 of JTPA is amended to consolidate current law sections 451 and 456 and authorizes a national partnership and special training program distinct from other research, demonstration, and evaluation activities.

Section 452 of JTPA consolidates current law sections 452, 453, and 454 and provides for a distinct research, demonstration, and evaluation program. Subsections (a), (b), and (c) update the areas on which the research, demonstration, and evaluation program can focus, e.g., workplace literacy. Subsection (c) of section 452 broadens the Secretary's authority to conduct evaluations to encompass related employment programs such as the Employment Service and Trade Adjustment Assistance for Workers. This subsection also provides for an evaluation of the impact of the amendments made by this title on participant employment, earnings and welfare dependency.

Section 453 of JTPA broadens the Secretary's authority to provide technical assistance and training to other training and employment-related programs, such as the Employment Service. Subsection (c) authorizes

the Secretary to disseminate materials and information.

Section 121 amends part F of title IV of JTPA to rename the National Commission for Employment Policy as the National Commission for Employment and Vocational Education Policy. This change, which complements a provision in the Administration's proposed "Vocational Education Excellence Act of 1989", would merge the NCEP and the National Council on Vocational Education. The integration of the two entities would enhance the review and development of employment and training policies, avoid duplication of effort, and promote a coordinated approach to policy analysis.

Section 122 establishes the Youth Opportunities Unlimited Program as a new part H of title IV of JTPA. The new section 491 authorizes the Secretary to establish this new national program of grants to target services to youth living in high poverty areas. The purposes of the program, as described in the section 492, include enabling communities with high concentrations of poverty to establish and meet goals for improving the opportunities available to youth within the community, and facilitating the coordination of comprehensive services to such youth.

The new section 493 provides definitions of the terms for purposes of this part. "Participating community" is the city or rural area in which the program will be administered. "Poverty area" refers to an urban census tract or rural county with a poverty rate of 30 percent or more. Finally, "target area" is defined as the poverty area or set of contiguous poverty areas within the participating community that will be the focus of the program.

The new section 494 sets forth the requirements for applying for funds under the program. The cities and non-metropolitan counties with the highest concentrations of poverty, as determined by the Secretary based on the Census data, are eligible to apply. The Governor of the State in which the eligible cities and counties are located may submit an application in accordance with procedures specified by the Secretary. The application is to include a comprehensive plan designed to achieve goals for youth in the target area. Examples of such goals, which are to be specified in the plan and measurable, include increasing the proportion of youth completing high school or entering community colleges and other advanced training programs, or placed in jobs. Significantly, the plan is also to include supporting goals for the target area such as increasing security or reducing the number of drug-related arrests. In addition, the application is to include a memorandum of understanding which provides evidence of State and community support.

Applications are to be approved in accordance with selection criteria established by the Secretary, which may include such factors as the goals to be achieved, the degree of demonstrated need and the extent of community support for the plan.

Grants may be awarded to up to 25 communities during the first year of authorization and up to 40 communities over the 5-year authorization period. The grant recipient would be the SDA in which the target area is located. The Secretary would be authorized to award multi-year grants for up to the 3 year period, with such grants renewable for up to an additional 2 years. Funding after the first year is dependent on the availability of the funds and the participating community satisfying the grant requirements during the previous year.

The new section 495 provides the grant conditions. Under these conditions, the participating community is to designate a target area with a population of 25,000 or less. The community must also match one-for-one the grant provided under this part with funds from non-federal sources. The grant funds are to be used to provide activities selected from a set of youth program models designated by the Secretary or alternative models described in the application and approved by the Secretary. Examples of such models include non-residential learning centers, alternative schools, and combined summer remediation, work experience and work readiness training.

Other conditions identified in this section are that all youth ages 14 through 21 residing in the target area are to be eligible to participate, that the local educational agency and the community are to provide activities and local resources necessary to achieve the supporting goals that are specified in the plan, and that the community is to establish linkages with other federally funded programs to ensure the provision of services under the program.

Section 496 authorizes the Secretary to establish necessary reporting procedures.

Finally, section 497 requires the Secretary to provide assistance to the participating communities in implementing the program. The Secretary is authorized to retain up to 10 percent of the funds allotted for this part to provide such assistance. The Secretary is also to conduct an evaluation of the program.

This important new program offers a means to assist communities in developing a coordinated, comprehensive strategy to address the needs of youth.

Section 123 provides technical and conforming amendments.

Section 124 provides that the amendments made by this title shall take effect July 1, 1990. This section also contains a transition provision that provides that changes in performance standards pursuant to the amendments made by the Act shall be issued as soon as sufficient data are available, but no later than July 1, 1994. There is also a general transition provision allowing the Secretary to establish necessary rules and procedures to provide for an orderly transition to and implementation of these JTPA amendments.

Title II would provide for the establishment of a human resource investment council in each State. The council would promote Statewide coordination of certain federally-assisted human resource programs by replacing separate existing state councils with a single State advisory body.

The State human resource investment council would advise the Governor regarding programs under the Adult Education Act, the Carl D. Perkins Vocational Education Act, JTPA, the Rehabilitation Act of 1973, the Wagner-Peyser Act, and JOBS. Under current law, there is no State advisory council for programs under the Rehabilitation Act and JOBS. There are separate State councils authorized for programs under each of the other Acts.

Section 201(a) provides that each State that receives assistance under the applicable federal programs would establish a single State council to review the provision of services and use of resources and advise the Governor on methods of coordinating the programs. The council would also provide advice to the Governor on the development and implementation of State and local standards and measures relating to the programs.

Section 201(b) provides that the membership of the Council is to be appointed by the Governor with 30 percent appointed from representatives of business and industry, 30 percent from representatives of organized labor and community-based organizations, 20 percent from chief administrative officers in State agencies administering the applicable programs and other representatives of State entities, and the final 20 percent from representatives of local governments, local educational, and welfare agencies, and individuals with special expertise.

Subsections (c) and (d) of this section authorize the council to prepare a budget, to be approved by the Governor, and to obtain the services of personnel to carry out its functions. Subsection (e) provides that the State certify to the Secretary of Labor the establishment and membership of the council 90 days before the submission of a job training plan under JTPA. Subsection (f) lists the applicable programs under the council's jurisdiction, which were described above.

Section 202 contains conforming amendments to each of the Acts which authorize the applicable programs. These amendments clarify the duties of the council with respect to each Act and provide for coordination of the program by the council.

Section 203 provides that the effective date for this title is July 1, 1990.

By Mr. HEFLIN:

S. 1301. A bill for the relief of Hoar Construction, Inc., of Birmingham, AL, to settle certain claims filed against the Small Business Administration; to the Committee on the Judiciary.

RELIEF OF HOAR CONSTRUCTION, INC.

Mr. HEFLIN. Mr. President, I rise today to introduce legislation for the relief of a company from my home State of Alabama, Hoar Construction, Inc., of Birmingham, AL.

Mr. President, in the spring of 1985 Hoar Construction, Inc., contracted with Rayner Tile Co. for the tilework at the town center at Cobb Shopping Mall in Atlanta, GA. Hoar's contract with Rayner was conditional on Rayner providing performance and payment bonds acceptable to Hoar. The bonds provided by Integrity Insurance Co. were accepted because they carried a Small Business Administration guarantee.

In January 1986, 6 weeks before the mall grand opening, Rayner advised Hoar that they were going out of business and would not complete the job. The bonding surety, Integrity Insurance Co., refused to complete the job and stated that Hoar Construction, Inc., would have to sue. Hoar completed the tilework with other forces in order to make the mall opening, and to mitigate the damages.

Hoar then filed suit against Rayner and Integrity. On July 2, 1987, Hoar Construction, Inc., was awarded a judgment against Rayner for $381,135.53. Meanwhile Hoar had gone

into receivership before the court date, so they were temporarily protected from the suit.

Mr. President, the dilemma is that the Small Business Administration, which guarantees the bond, will not pay 90 percent of the claim to Integrity because Integrity must first pay 100 percent of the claim to Hoar. As Integrity is in receivership, payment of 100 percent of the claim is not possible, thereby precluding the 90-percent reimbursement from the SBA.

Mr. President, Hoar Construction, Inc., would never have contracted with Rayner Tile Co. under a bond provided by Integrity Insurance Co. had the guarantee not stated that the SBA would guarantee indemnification up to $1,000,000.

The Small Business Administration says that this guarantee is not a guarantee if Integrity Insurance is in liquidation and cannot make payment to Hoar Construction.

Mr. President, the moneys involved in this case are substantial to Hoar Construction Co., and very important to the continuing operation of this small Alabama business.

Thus, Mr. President, I would like to introduce a bill today for the relief of Hoar Construction, Inc., of Birmingham, AL, to settle certain claims filed against the Small Business Administration, and ask unanimous consent to have it printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

S. 1301

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RELIEF FOR HOAR CONSTRUCTION, INC. FOR CLAIMS AGAINST THE SMALL BUSINESS ADMINISTRATION.

To compensate for claims against the Small Business Administration for failing to guarantee a performance and payment bond which created financial losses for Hoar Construction, Inc. of Birmingham, Alabama, the Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, the sum of $343,021.97 to the aforementioned Hoar Construction, Inc.

SEC. 2. INTEREST.

The amounts prescribed in section 1 shall be adjusted to include interest accrued. The Secretary of the Treasury shall determine the rate at which such interest accrued and the period over which such interest shall be calculated.

SEC. 3. LIMITATION OF CLAIMS.

Payment of the sums referred to in sections 1 and 2 shall be in full satisfaction of all claims that the persons listed in section 1 may have against the United States with respect to the losses referred to therein.

SEC. 4. ATTORNEY FEES.

No part of the amount paid pursuant to this Act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, any contract to the contrary notwithstanding. Violation of this section shall be a misdemeanor punishable by a fine not to exceed $5,000.

By Mr. BENTSEN:

S. 1302. A bill to increase the size of the Big Thicket National Preserve in the State of Texas by adding the Village Creek Corridor unit, the Big Sandy Corridor unit, and the Canyonlands unit; to the Committee on Energy.

BIG THICKET NATIONAL PRESERVE ADDITION ACT OF 1989

● Mr. BENTSEN. Mr. President, one of the privileges of serving in the U.S. Senate is being able to propose, and sometimes see enacted, legislation which will benefit all Americans for many years to come. As a newly elected Senator, one of the first bills I introduced was legislation to set aside 100,000 acres to establish one of the most beautiful and ecologically unique parks in Texas—the Big Thicket National Preserve. I had the privilege of seeing most of that proposal enacted into law. Today the Big Thicket National Preserve encompasses and protects for future generations 86,000 acres.

The legislation which I am now introducing would complete the Big Thicket National Preserve by adding the Canyonlands unit and the Village Creek and Big Sandy Creek corridor units, which comprise the remaining 14,000 acres of my original proposal. This is identical to legislation which has been introduced in the House by my distinguished colleague from Texas, Congressman CHARLES WILSON, and has been approved by the House Interior Committee.

The Big Thicket is located in east Texas, northwest of the coastal cities of Beaumont and Port Arthur. It is an area so varied that it contains both flood plains and sand hills, swamps and bogs, forests and savannahs. Plant and animal life flourishes in the preserve. There are over 300 kinds of birds found in the area as well as 40 wild orchid species. The Big Thicket includes eight different biological habitats. There are plants representing the Appalachians, the tropics, and even the desert. People who have spent time studying the Big Thicket have called it the "biological crossroads of North America."

The areas which I am once again proposing for inclusion in this unique preserve will add to that rich diversity and help to protect the biological integrity of the existing units. The Canyonlands units contains beautiful scenic areas of steep walls, spring-fed creeks, and rare plants. The Big Sandy Creek and Village Creek corridor units not only add to the scenic beauty and ecological diversity of the preserve, but they will also connect three major preserve units. These corridor units will provide an important migration pathway for plant and animal species, thereby helping to maintain the rich diversity of species found in the Big Thicket Preserve.

Mr. President, the Big Thicket is a rare mixture of diverse ecosystems. It is beautiful, it is unique, it is a rich source for scientific research.

Preservation of the Big Thicket has been a bipartisan effort on the part of many Texans over the years, and I hope that it will continue to be so. A Texas Congressman named George Bush once introduced legislation to establish a Big Thicket National Preserve, including the same areas proposed in the bill which I am introducing today. I look forward to working with the administration of President Bush to enact this proposal into law.●

By Mr. BENTSEN:

S. 1303. A bill to amend the Internal Revenue Code of 1986 to restrict the partial exclusion from income of interest on loans used to acquire employer securities to cases where employees receive a significant ownership interest in a corporation, and for other purposes; to the Committee on Finance.

LIMITATIONS ON PARTIAL EXCLUSION OF INTEREST ON LOANS USED TO ACQUIRE EMPLOYER SECURITIES

Mr. BENTSEN. Mr. President, today I am introducing a bill to substantially modify section 133 of the Internal Revenue Code dealing with employee stock ownership plan [ESOP's]. Section 133 permits a bank, insurance company or other financial institution to exclude from income 50 percent of the interest paid on a loan to an ESOP. It is one of a number of provisions in the Internal Revenue Code designed to advance the idea of employee stock ownership.

In enacting this provision, Congress intended to encourage the establishment of meaningful ESOP's for the benefit of employees. That was a laudable goal and one that I believe we must continue to pursue.

Congress did not intend, however, to enact a provision which would be as far reaching as this one has turned out to be. Congress did not intend for banks, insurance companies and other financial institutions to substantially reduce their tax liability, while only passing a relatively small portion of the savings through to the ESOP. Congress did not intend for companies to abandon existing retirement arrangements and replace them with ESOP's that provide little if anything in the way of improved benefits. There was no intent to provide an incentive to transactions that do not achieve the policies which originally led to the enactment of tax incentives for ESOP's. To transactions which do not result in meaningful employee interest and involvement in the productivity and profitability of the company. And finally, no one anticipated that the pro-

vision would cost the Federal Government up to $10 billion over the next 5 years. In short, the provision would not have been enacted in its present form if all of its implications had been known.

Accordingly, Mr. President, I am now proposing to substantially modify section 133 to more directly target the tax advantages to deserving ESOP's. To ESOP's which encourage meaningful employee ownership and involvement in the work place. The bill does this by limiting the availability of section 133 to loans involving companies that are at least 30 percent employee-owned. To qualify, ESOP shares must also provide meaningful ownership—they must include voting rights on all issues.

The chairman of the Ways and Means Committee and the Senate Republican leader have both introduced bills that would repeal section 133 of the Internal Revenue Code in its entirety. That is not the approach chosen in the bill which I introduce today, but I want to commend Senator DOLE and Chairman ROSTENKOWSKI for their leadership in moving quickly to close the floodgates on the revenue loss which was occurring. They saw the problem and dealt with it. I commend them for their prompt action.

Given time to prepare a more targeted approach, I think the bill which I am introducing has found a way to tailor the changes to eliminate the abuses, but to also allow ESOP's that are particularly advantageous to employees to continue to benefit from the current law incentives. Quite simply, in some cases the tax incentives work—employees derive significant benefits. This bill targets the incentives to ESOP's where the employees are really getting a meaningful stake—where they are involved in the ESOP and in the success of the company.

Let me also alert taxpayers to the effective date of the bill. The bill is generally effective for loans on or after June 7, 1989. That is the day Chairman ROSTENKOWSKI introduced his bill and it is the general effective date that Senator DOLE chose for this bill. The bill also provides that companies with binding written commitments to borrow or to acquire stock prior to June 7 would not be subject to the changes made by the bill. Refinancings of existing loans and of loans made pursuant to binding contracts would also not be effected by the bill.

Finally, let me emphasize that the bill which I introduced today will increase Federal revenues by over $1 billion in fiscal year 1990 and almost $10 billion over the next 5 years. It will raise that money by eliminating the tax advantages for transactions that do not result in significant benefits to employees, but it will retain the benefits for ESOP's which provide employees with a meaningful stake in the enterprise.

Mr. President, I ask unanimous consent that the bill and a more detailed description of the bill be printed in the RECORD immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1303

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LIMITATIONS ON PARTIAL EXCLUSION OF INTEREST ON LOANS USED TO ACQUIRE EMPLOYER SECURITIES.

(a) EXCLUSION AVAILABLE ONLY WHERE EMPLOYEES RECEIVE SIGNIFICANT OWNERSHIP INTEREST.—Subsection (b) of section 133 of the Internal Revenue Code of 1986 (defining securities acquisition loans) is amended by adding at the end thereof the following new paragraph:

"(6) PLAN MUST HOLD 30 PERCENT OF STOCK AFTER ACQUISITION OR TRANSFER.—

"(A) IN GENERAL.—A loan shall not be treated as a securities acquisition loan for purposes of this section unless, immediately after the acquisition or transfer referred to in subparagraph (A) or (B) of paragraph (1), respectively, the employee stock ownership plan owns (after application of section 318(a)(4)) at least 30 percent of—

"(i) each class of outstanding stock of the corporation issuing the employer securities, or

"(ii) the total value of all outstanding stock of the corporation.

"(B) STOCK.—For purposes of subparagraph (A)—

"(i) IN GENERAL.—The term 'stock' means stock other than stock described in section 1504(a)(4).

"(ii) TREATMENT OF CERTAIN RIGHTS.—The Secretary may provide that warrants, options, contracts to acquire stock, convertible debt interests and other similar interests be treated as stock for 1 or more purposes under subparagraph (A)."

(b) TERM OF LOAN MAY NOT EXCEED 15 YEARS.—Paragraph (1) of section 133(b) of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new sentence: "The term 'securities acquisition loan' shall not include a loan with a term greater than 15 years."

(c) VOTING RIGHTS.—Subsection (b) of section 133 of the Internal Revenue Code of 1986, as amended by subsection (a), is amended by adding at the end thereof the following new paragraph:

"(7) VOTING RIGHTS OF EMPLOYER SECURITIES.—A loan shall not be treated as a securities acquisition loan for purposes of this section unless—

"(A) the employee stock ownership plan meets the requirements of section 409(e)(2) with respect to all employer securities acquired by, or transferred to, the plan in connection with such loan (without regard to whether or not such securities are a registration-type class of securities), and

"(B) no stock described in section 409(l)(3) is acquired by, or transferred to, the plan in connection with such loan unless—

"(i) such stock has voting rights equivalent to the stock to which it may be converted, and

"(ii) the requirements of subparagraph (A) are met with respect to such voting rights."

(d) TAX ON DISPOSITION OF SECURITIES BY EMPLOYEE STOCK OWNERSHIP PLANS.—

(1) IN GENERAL.—Chapter 43 of such Code is amended by inserting after section 4978A the following new section:

"SEC. 4978B. TAX ON DISPOSITION OF EMPLOYER SECURITIES TO WHICH SECTION 133 APPLIED.

"(a) IMPOSITION OF TAX.—In the case of an employee stock ownership plan which has acquired section 133 securities, there is hereby imposed a tax on each taxable event in an amount equal to the amount determined under subsection (b).

"(b) AMOUNT OF TAX.—

"(1) IN GENERAL.—The amount of the tax imposed by subsection (a) shall be equal to 10 percent of the amount realized on the disposition to the extent allocable to section 133 securities under section 4978A(d).

"(2) DISPOSITIONS OTHER THAN SALES OR EXCHANGES.—For purposes of paragraph (1), in the case of a disposition of employer securities which is not a sale or exchange, the amount realized on such disposition shall be the fair market value of such securities at the time of disposition.

"(c) TAXABLE EVENT.—For purposes of this section—

"(1) DISPOSITIONS WITHIN 3 YEARS.—Any disposition of any employer securities by an employee stock ownership plan within 3 years after such plan acquired section 133 securities, and

"(A) the total number of employer securities held by such plan after such disposition is less than the total number of employer securities held after such acquisition, or

"(B) except to the extent provided in regulations, the value of employer securities held by such plan is less than 30 percent of the total value of all employer securities at the time of the disposition.

"(2) STOCK DISPOSED OF BEFORE ALLOCATION.—Any disposition of section 133 securities to which paragraph (1) does not apply if—

"(A) such disposition occurs before such securities are allocated to accounts of participants or their beneficiaries, and

"(B) the proceeds from such disposition are not so allocated.

"(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) EXCEPTIONS.—Rules similar to the rules of section 4978A(e) shall apply.

"(2) LIABILITY FOR PAYMENT OF TAXES.—The tax imposed by this section shall be paid by the employer.

"(3) SECTION 133 SECURITIES.—The term 'section 133 securities' means employer securities acquired by an employee stock ownership plan in a transaction to which section 133 applied, except that such term shall not include—

"(A) qualified securities (as defined in section 4978(e)(2)), or

"(B) qualified employer securities (as defined in section 4978A(f)(2)).

"(4) DISPOSITION.—The term 'disposition' includes any distribution.

"(5) ORDERING RULES.—For ordering rules for dispositions of employer securities, see section 4978A(d)."

(2) CONFORMING AMENDMENTS.—

(A) Section 4978A(d) of such Code is amended by redesignating paragraphs (3) and (4) as paragraphs (5) and (6) and by inserting after paragraph (2) the following new paragraphs:

"(3) Third, from section 133 securities (as defined in section 4978B(d)(3)) acquired during the 3-year period ending on the date

of such disposition, beginning with the securities first so acquired.

"(4) Fourth, from section 133 securities (as so defined) acquired before such 3-year period unless such securities (or proceeds from the disposition) have been allocated to accounts of participants or beneficiaries."

(B) Section 4978A(d)(5) of such Code, as redesignated by clause (i), is amended by striking "Third" and inserting "Fifth".

(C) The table of sections for chapter 43 of such Code is amended by inserting after the item relating to section 4978A the following new item:

"Sec. 4978B. Tax on disposition of employer securities to which section 133 applied."

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to loans made after June 6, 1989.

(2) BINDING COMMITMENT EXCEPTION.—The amendments made by this section shall not apply to any loan—

(A) which is made pursuant to a binding written commitment in effect on June 6, 1989, and at all times thereafter before such loan is made, or

(B) to the extent that the proceeds of such loan are used to acquire employer securities pursuant to a written binding contract (or tender offer registered with the Securities and Exchange Commission) in effect on June 6, 1989, and at all times thereafter before such securities are acquired.

(3) REFINANCINGS.—The amendments made by this section shall not apply to loans made after June 6, 1989, to refinance securities acquisition loans made on or before such date or to refinance loans described in paragraph (2) if—

(A) such loans meet the requirements of section 133 of the Internal Revenue Code of 1986 (as in effect before such amendments) applicable to such loans, and

(B) immediately after the refinancing the principal amount of the loan resulting from the refinancing does not exceed the principal amount of the refinanced loan (immediately before the refinancing).

DETAILED DESCRIPTION OF AMENDMENTS TO SECTION 133 OF THE INTERNAL REVENUE CODE

PRESENT LAW

Leveraged ESOPs

Present law generally prohibits loans between a qualified plan and a disqualified person (sec. 4975). An exception to this rule is provided in the case of an employee stock ownership plan (ESOP).

If employer securities are acquired by an ESOP with loan proceeds, the ESOP is referred to as a leveraged ESOP. The ESOP may borrow directly from a financial institution (typically with a guarantee from the employer), or the employer may borrow from a financial institution and in turn lend the funds to the ESOP which then uses them to acquire employer securities. The employer securities are typically pledged as security for the loan. The employer makes contributions to the ESOP which are then used to repay the acquisition loan. Shares that are acquired with an acquisition loan are allocated to the accounts of ESOP participants as the loan is repaid.

In general, the type of employer securities that may be held by an ESOP are (1) common stock of the employer that is readily tradable on an established securities market, or (2) if there is no such common stock, common stock issued by the employer having a combination of voting power and dividend rights at least equal to that class of common having the greatest voting power and that class of common having the greatest dividend power. Noncallable preferred stock is treated as employer securities if such stock is convertible into stock that meets the requirements of (1) or (2), whichever is applicable.

ESOPs are required to pass through to plan participants certain voting rights with respect to employer securities. If the employer has a registration-type class of securities, the ESOP is required to permit each participant to direct the plan as to the manner in which employer securities allocated to the account of the participant are entitled to vote. If the employer does not have a registration-type class of securities, the plan is required to permit each participant to direct the plan as to the manner in which voting rights are to be exercised only with respect to certain enumerated corporate issues, such as the approval or disapproval of any corporate merger or consolidation, recapitalization, reclassification, and similar transactions as prescribed by the Secretary.

Interest exclusion for ESOP loans

A bank, an insurance company, a corporation actively engaged in the business of lending money, or a regulated investment company may exclude from gross income 50 percent of the interest received with respect to a "securities acquisition loan" used to acquire employer securities for an ESOP (sec. 133). A "securities acquisition loan" is generally defined as (1) a loan to a corporation or to an ESOP to the extent that the proceeds are used to acquire employer securities for the ESOP, or (2) a loan to a corporation to the extent that the corporation transfers an equivalent amount of employer securities to the ESOP and such securities are allocable to accounts of ESOP participants within 1 year of the date of the loan (an "immediate allocation loan").

EXPLANATION OF THE BILL

The bill limits the circumstances in which the partial interest exclusion applies. In general under the bill, the partial interest exclusion does not apply to a secutities acquisition loan unless (1) immediately after the acquisition of the securities acquired with the loan the ESOP owns at least 30 percent of each class of outstanding stock of the corporation issuing the employer securities or 30 percent of the total value of all outstanding stock of the corporation, (2) the term of the loan does not exceed 15 years, and (3) each participant is entitled to direct the plan as to the manner in which shares allocated to the participant's account are to be voted. These requirements apply to transfers of stock with respect to an immediate allocation loan as well as other types of securities acquisition loans.

The 30-percent requirement is designed to ensure that the ESOP holds a substantial percent of the company's stock. After the sale of the stock to the ESOP, the ESOP must generally hold the employer securities for at least 3 years. An excise tax is imposed on the employer sponsoring the ESOP if, within 3 years after the acquisition of the employer securities with a loan to which section 133 applies, the ESOP disposes of employer securities and the total number of employer securities held by the ESOP is less than the total number held after the acquisition or the value of the employer securities held by the plan after the disposition is less than 30 percent of the value of the outstanding securities. The excise tax does not apply to certain distributions, such as distributions to plan participants and distributions with respect to certain corporate reorganizations.

An excise tax is also imposed if the ESOP disposes of the employer securities before the securities are allocated to accounts of participants and the proceeds from such disposition are not so allocated.

The amount of each excise tax is 10 percent of the amount realized on the disposition.

These excise tax rules are similar to those that apply in situations where there has been a sale of stock to an ESOP that entitles the seller to defer recognition of gain on the sale (sec. 1042) or an estate tax deduction (sec. 2057).

The bill provides that with respect to shares acquired with a section 133 loan, plan participants must be entitled to direct the plan as to the voting of shares allocated to his or her account on all issues. This requirement applies regardless of whether the employer has a registration-type class of securities. In addition, under the bill, if the shares are convertible preferred stock, the participants must be entitled to direct the voting of such stock as if the preferred stock had the voting rights of the common stock of the employer having the greatest voting power.

EFFECTIVE DATE

The bill is generally effective with respect to loans made after June 6, 1989. However, the bill does not apply to loans made after such date to refinance loans made on or before such date (or to refinance loans described in the next paragraph), if (1) such refinancing loan meets the requirements of section 133 (as in effect before the amendments made by the bill), and (2) the outstanding principal amount of the loan is not increased.

In addition, the bill does not apply to any loan (1) pursuant to a binding written commitment in effect on June 6, 1989, and at all times thereafter before the loan is made, or (2) the proceeds of which are used to acquire employer securities pursuant to a written binding contract (or tender offer registered with the Securities and Exchange Commission) in effect on June 6, 1989, and at all times thereafter before such securities are acquired.

With respect to the grandfather rule for certain loans made after June 6, 1989, the legislative history would provide that the existence of a written binding loan commitment can be demonstrated, for example, by a combination of documentation by the lender, written communications by the borrower or the borrower's agent (e.g., an investment banker or a broker), and documentation of the borrower showing that the loan was approved by the lender and that the offer to make the loan was received by the borrower. Such documentation would have to include the principal terms of the loan, such as the principal amount, interest rate or spread, and maturity of the loan.

By Mr. GLENN (for himself, Mr. ADAMS, Mr. DASCHLE, Mr. DECONCINI, Mr. KOHL, Mr. LIEBERMAN, Mr. METZENBAUM, Ms. MIKULSKI, Mr. PRYOR, and Mr. STEVENS):

S. 1304. A bill to enhance nuclear safety at Department of Energy nuclear facilities, to modify certain func-

tions of the Defense Nuclear Facilities Safety Board, to apply the provisions of OSHA to certain Department of Energy Nuclear Facilities, to clarify the jurisdiction and powers of Government agencies dealing with nuclear wastes, to ensure independent research on the effects of radiation on human beings, to encourage a process of environmental compliance and cleanup at these facilities, to protect communities that contain these facilities, and for other purposes; to the Committee on Energy and Natural Resources.

DOE NUCLEAR SAFETY AND ENVIRONMENT ACT

● Mr. GLENN. Mr. President, I rise on this occasion with Senators ADAMS, DASCHLE, DECONCINI, KOHL, LIEBERMAN, METZENBAUM, MIKULSKI, PRYOR, and STEVENS to introduce the Department of Energy Nuclear Safety and Environment Act." My bill is designed to strengthen independent environmental, safety, and health oversight of the U.S. Department of Energy's massive nuclear weapons production complex.

As the United States approaches the end of this century, the need to maintain our nuclear deterrent while protecting the health and environment of our people has become one of the most serious and daunting challenges our Nation now confronts.

Occupying a land base larger than Delaware and Rhode Island combined, the DOE Nuclear Weapons Program operates some 250 nuclear facilities at 17 sites across the country. With over $30 billion in physical assets, and an annual budget of over $9 billion, the DOE bomb program is among the Nation's largest industries. It is also an industry which has thrust our country into a crisis of major proportions. This fact has been underscored by the following revelations of the past few years:

For the first time since World War II the United States has been forced to suspend production of nuclear warhead materials at several DOE facilities because of safety concerns. The failure to resume production of tritium, a perishable warhead fuel, has raised the possibility that the United States may have to cannibalize its nuclear arsenal as an alternative to risking accidents at DOE's aging reactors. This is clearly unacceptable from the point of view of our national security.

The health of a large number of Americans may have been put at risk without their knowledge, as a result of large environmental releases of radioactive and toxic substances by DOE facilities. Unfortunately, DOE's inherent conflict between developing nuclear technologies and determining their health impacts, has created major controversies that have made it all but impossible to establish the degree of potential harm done.

For over four decades, the U.S. Government has virtually ignored the massive accumulation of radioactive and toxic wastes at DOE sites. The severe and largely unknown contamination by these wastes pose one of the most serious national environmental problems in the country. Hundreds of billions of gallons of wastes has been discharged to the soils at DOE sites raising the possibility that certain contaminated areas may prove impossible to clean up.

A recent FBI investigation into possible criminal violations at DOE's rocky flats facility has raised disturbing questions about environmental compliance at DOE sites. While the Congress has enacted several environmental laws over the past 15 years, DOE continues to be among the Nation's worst ongoing polluters. The failure of the DOE to live up to the same environmental laws as the rest of society, undermines the fundamental integrity of these laws.

How could this happen? The answer lies in over 30 reports by the U.S. General Accounting Office, numerous congressional investigations and hearings, DOE internal studies, and scientific reviews generated over the past few years. Secrecy, isolation, decentralized management, and self-regulation—artifacts of the cold war era—have been the biggest contributors to the problem. "The Russians are coming! Produce! Don't tell the public and dump the wastes in the pits out back. We'll worry about them later."

Now is later and the estimated costs of dealing with these problems are truly staggering. According to DOE, in order to operate, modernize, upgrade, and to begin to clean up our nuclear weapons complex by early next century we will probably have to spend about $244 billion. In effect, the U.S. Government is facing the equivalent of a nuclear weapons balloon mortgage payment.

The major assumption upon which U.S. policies of nuclear deterrence have been based—namely that nuclear weapons are a relatively cheap way to keep the peace—have been repudiated by these cost estimates. After discovering the hidden costs we must now pay, I'm sure that many of us who believed in the old addage of nuclear weapons providing the biggest bang for the buck are now experiencing nuclear weapons sticker shock.

Thus, as the Bush administration and the Congress begin to address this critical and historic problem, we should be guided by some basic principles that will assure that the mistakes of the past will not be repeated. With four DOE facilities in my home State of Ohio, and after 9 years of dealing with this problem, I believe that among the most important guiding principles is the need to establish independent oversight of DOE's environmental, safety and health activities. Last year, Congress enacted the DOE Defense Nuclear Safety Oversight Board, which I introduced. This is a good first step. However, more needs to be done. My proposed legislation, which I am introducing today, goes further by creating a comprehensive framework of accountability to assure that the environment, safety, and health of Americans is being protected.

My bill contains eight titles which:

First, strengthens the DOE Defense Nuclear Safety Board by adding facilities excluded by Congress last year, requiring timely and open reporting of unusual occurrences and establishing a clear criteria for removal of board members.

Second, requires the Occupational Safety and Health Administration [OSHA] and the National Institutes for Occupational Safety and Health [NIOSH] to regulate and oversee worker safety and health activities at DOE.

Third, requires wastes generated at DOE facilities that are mixed with radioactive and nonradioactive substances to be regulated under the Resource Conservation Recovery Act [RCRA].

Fourth, establishes a Radiation Research Advisory Board headed by the Department of Health and Human Services to oversee and review the conduct of DOE's radiation health effects research.

Fifth, codifies the DOE's Office of Environment, Safety, and Health and spells out specific functions and duties of this office.

Sixth, requires the DOE, affected States and the EPA to conclude environmental compliance and cleanup agreements which are enforceable by consent decrees after 18 months of enactment.

Seventh, repeals a prohibition attached to the fiscal year 1988 DOE/DOD authorization bill which interferes with DOE's ability to pay penalties assessed for environmental noncompliance.

Eighth, requires the Secretary of Energy, upon closing a DOE facility, to provide Congress a complete survey of environmental problems, budget quality data for site cleanup and a schedule for cleanup.

Good as we hope the current DOE improvement efforts are, it is clear that self-regulation by the DOE has not worked in the past. The General Accounting Office [GAO] has pointed out that DOE's occupational safety and health practices are significantly behind those of the commercial nuclear industry. At the DOE's Feed Material Production Center in Ohio, the GAO reported that the DOE and its predecessor agencies failed to audit the implementation of an overall occu-

pational radiation safety policy for 25 years. Thus, it comes as no surprise that every single labor union representing DOE workers support OSHA/NIOSH oversight at DOE facilities.

DOE's self-regulation has also caused profound environmental problems and skyrocketing cleanup costs. Instead of first defining uniform, safety and health objectives as spelled out by Federal and State laws, the DOE weapons complex has evolved under a scattered and fragmented system where facilities are built first and standards for these facilities are developed later. While this worked during World War II, it is a prime reason why DOE is in such a serious state of crisis. My bill provides the institutional framework to assure that this way of operating won't continue.

DOE's virtual monopoly over radiation health effects research has created a growing controversy by putting itself into an apparent conflict-of-interest situation. And the effects go even further: this research serves as the scientific basis not only for radiation standards affecting the DOE but also for commercial nuclear power and medical uses of radiation. By establishing an outside radiation health effects research oversight panel headed by the Department of Health and Human Services, my bill provides assurance that this important research is conducted responsibly.

Finally, the U.S. Government will have to ensure that DOE sites will not pose environmental hazards once production activities end. At a minimum, the DOE should be required to provide long-term cleanup plans to Congress, with multiyear budget data, once a decision is made to close down a weapons facility. The costs of cleaning up these facilities are extraordinarily high, but the costs of delaying cleanup will be even higher.

I am pleased that DOE Secretary Watkins—a dynamic individual with an outstanding record—is beginning to take a number of initiatives which I support. However, I'm sure that Admiral Watkins will agree that it will be very difficult for one person alone to deal with this enormous and daunting problem. Perhaps if Admiral Watkins were to remain at Energy for 15 years, I would not feel the urgency to introduce this legislation. But people come and people go in Washington. During the estimated decades that will be required to deal with these problems, some future secretaries may not be as capable and dedicated to this task as Secretary Watkins. We must protect the public from any tendency by future administrations to ever drift back into the situation that created this problem in secrecy over a period of more than four decades.

That is why we must assure that there will be a lasting institutional framework of accountability embodied in law to assure that the mistakes of the past will not be repeated regardless of who is in charge of the DOE. My bill provides such a framework. I view this combination of effective internal accountability and independent, external oversight as mutually reinforcing. Both are vitally necessary if we are going to get on with the modernization and cleanup of the weapons program.

In the absence of a national emergency, the notion of harming the health and safety of large numbers of Americans in order to produce nuclear weapons makes a mockery of the phase "national security." We must face up to this reality by bringing America's nuclear weapons industry into the modern era by making it accountable to the citizens it is designed to protect.●

● Mr. LIEBERMAN. Mr. President, I rise to voice my support for the nuclear safety bill which has been introduced today by my distinguished colleague, the senior Senator from Ohio. Senator GLENN has been following this problem and pressing for action on it for years. By introducing the Department of Energy Nuclear Safety and Environment Act, Senator GLENN has taken a major new step to correct problems which he has ably demonstrated must receive attention.

The problem of health and safety of workers at DOE nuclear production and utilization facilities and the release of dangerous and environmentally damaging emissions from these facilities is not a new one. We know that the problem is major but the dimensions have not been identified because, since the end of World War II, there has been a cloak of secrecy surrounding the production of our nuclear weapons. Of course, secrecy is vital in this area. But the need for secrecy has been used to prevent oversight of these DOE operations and has frustrated any legitimate counterbalance to the DOE emphasis on production. The problem now involves operations in more than a dozen states in our country, hundreds of thousands of workers and countless numbers of our citizens who have unknowingly been subjected to potentially damaging hazards to their health.

This is intolerable; not even in the name of national security should it have been permitted to happen. Where, if not in our homes and work sites are we to be secure? The two goals of national security and protection of our workers and general populace are not mutually exclusive ones. We have mechanisms to permit the satisfaction of both of these goals, and Senator GLENN's proposed legislation sets forth the means by which this can be accomplished.

Secretary of Energy James D. Watkins has recently announced a 10-point plan to strengthen environmental protection and waste management activities at DOE's production, research and testing facilities. He has done this after a review of the past and current situation at these facilities which convinced him that the DOE outlook had to be significantly revamped to create a "culture of accountability within the department." The Secretary is to be commended for his candor and the actions that he has initiated to correct the serious problems that he has found. I wish him well with the major changes that he is hoping to accomplish. Recognition and admission of a problem is the first step toward solution and, after years of secrecy and denial, the Secretary's actions are welcome.

There is a vast difference, however, between good intentions and sound pronouncements by the Secretary and the legal authority for independent agencies to inspect and regulate the DOE facilities which are the source of the problems. This bill would provide the certainty which our workers and citizens are entitled to expect where they live and on their jobsites.

Mr. President, the legislation which has been introduced today provides for the appropriate oversight of the DOE weapons facilities by OSHA, NIOSH and EPA which will guarantee to our citizens that their right to the protection of their domestic security will not be endangered by their equal right to the protection of national security. The prompt passage of this legislation will send a message to our people that we care about their health and safety and that the concept of security does not just apply to foreign affairs.●

● Mr. KOHL. Mr. President, I am pleased to join my distinguished colleague from Ohio in introducing this legislation today which will make much needed and long overdue changes in the way in which our Nation's nuclear weapons plants are managed.

For decades, these plants have been operated without even the slightest regard for the health and safety of the millions of dedicated employees who have worked at these plants. These employees, many of whom have worked in dangerous and unhealthy conditions over the course of many years, deserve better. Their efforts contributed a great deal to the Nation's defense, and yet their nation has failed so miserably to defend their health and safety.

Mr. President, it is time to turn this hypocrisy around. It's time to prove that the U.S. Government has the common decency to afford its employees the same protections guaranteed to workers in the private sector.

Furthermore, it is time to prove that the Federal Government and its contractors will obey the same State and Federal environmental laws which

apply to everyone else. The American people want a clean environment. Their demands have resulted in numerous laws to protect our water, air, and land. I do not think people care about the source of the pollution—they just want to see it stopped. The fact that the Federal Government is the polluter does not make the pollution any less dangerous. If anything, the Federal Government—including the Department of Energy—should set an example for the private sector in environment compliance, rather than ignoring the law.

The deplorable situation which has existed for years at the DOE weapons plants is like a bad joke being played on the American people. They were led to believe that these weapon materials plants were essential to their defense, their safety. Ironically, these same people have faced greater risks from the plants themselves than from any foreign threats.

Mr. President, the bill that we are introducing today will finally bring the Department of Energy out of the Dark Ages and into the 20th century. It applies the Occupational Safety and Health Administration standards to activities at DOE facilities, it reaffirms the fact that Federal environmental laws apply to DOE activities, and it strengthens the Nuclear Safety Board established by law in the last Congress to provide independent oversight to DOE health and safety functions.

Indeed, I applaud the stark candor which has recently emerged from the Department of Energy. I am astonished by the frankness with which the Department has admitted guilt for environmental and safety violations over the past 30 years. Secretary Watkins certainly deserves credit for this drastic turnaround. He has pledged that the "veil of secrecy" which has long shrouded our nuclear weapons production system will be lifted, and that safety will be a higher priority than production goals. He has admitted that the American public and many Government officials have been lied to by the entrenched bureaucracy within the Department of Energy over the course of many years, and he has promised to be forthcoming in the future.

These promises from Secretary Watkins are much welcomed, and this bill should help him to achieve his worthy goals. But beyond that, this bill—if enacted—would provide a much needed guarantee that the Department will never return to the days when bomb production goals outweighed any human health, safety, or environmental concerns. This bill will ensure that no matter who is in the White House, or who is in the Secretary's seat, the public health and safety will not be jeopardized by the same bureaucratic myopia which has endangered American lives in the interest of a bigger nuclear stockpile.

The Nation needs this bill—it is a fair and reasonable piece of legislation. It is time for the DOE to join the real world—a world which respects human health, safety, and the environment. I commend Senator GLENN for introducing the bill, and will do everything I can to work toward its enactment.●

By Mr. CRANSTON (by request):

S. 1305. A bill to amend title 38, sections 5002(d), 50004(a)(3)(A), and 5009(i)(2) United States Code, to raise the Department of Veterans Affairs minor construction cost limitation from $2 million to $3 million and for other purposes; to the Committee on Veterans' Affairs.

AMENDING THE UNITED STATES CODE WITH REGARD TO VETERANS AFFAIRS' COSTS

Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced, by request, S. 1305, to increase from $2 million to $3 million the upper limit on Department of Veterans Affairs construction projects considered to be minor projects. The Secretary of Veterans Affairs submitted this legislation by letter dated June 19, 1989, to the President of the Senate.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point, together with the June 19, 1989, transmittal letter and enclosed section-by-section analysis.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1305

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That Chapter 81 of title 38, section 5002(d), United States Code, is amended by striking from section 5002(d) the language "medical facility which is expected to involve a total expenditure of more than $2,000,000," and inserting in lieu thereof the phrase "major medical facility project as defined in section 5004(a)(3)(A)."

SEC. 2. Chapter 81 of title 38, section 5004(a)(3)(A), United States Code, is amended by striking the dollar threshold stated in section 5004(a)(3)(A) "$2,000,000," and inserting in lieu thereof "$3,000,000".

SEC. 3. Chapter 81 of title 38, section 5009(i)(2), United States Code, is amended by striking the dollar threshold stated in section 5009(i)(2) "$2,000,000," and inserting in lieu thereof "$3,000,000".

DEPARTMENT OF VETERANS AFFAIRS,
OFFICE OF THE SECRETARY OF VETERANS AFFAIRS,
Washington, DC, June 19, 1989.

Hon. DAN QUAYLE,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: There is transmitted herewith a draft bill "To amend title 38, section 5004(a)(3)(A), United States Code, to raise the Department of Veterans Affairs' minor construction cost limitation from $2 million to $3 million and for other purposes." It is requested that the bill be referred to the appropriate committee for prompt consideration and enactment.

The draft measure would amend title 38, section 5004(a)(3)(A), by changing the dollar threshold which, in part, defines a VA major medical facility project, from $2 million to $3 million. Corresponding amendments are required to title 38, section 5002(d), which requires the Secretary to consider the sharing of health-care resources with the Department of Defense when projects cost over $2 million and section 5009(i)(2) which provides that funds in the revolving fund may be expended for a project of more than $2 million for the construction, alteration, or acquisition of a parking facility.

The proposal to increase the minor construction limitation from $2 million to $3 million is primarily based on the need to stay current with inflation. While inflation is indeed the primary element in the request for an increase in the minor construction limitation, program efficiency is also an important element in this proposal. The trend towards planning a project into multiple smaller projects or phases, each with its own distinct identity is becoming more prevalent in order to keep within the current $2 million limitation. Each of these projects or phases require the full administrative process from inception to completion. Increasing the minor construction limitation to $3 million would help reduce the possible need for multiple projects or phasing and increase administrative productivity on projects. The proposal would produce these savings by reducing the need for multiple projects and through program efficiencies but savings are not quantifiable.

The Office of Management and Budget advises that there is no objection from the standpoint of the Administration's program to the submission of this legislative proposal to the Congress.

EDWARD J. DERWINSKI,
Secretary.

SECTION-BY-SECTION ANALYSIS

Section 1 of the draft bill would amend section 5002(d) of title 38 to provide that the Secretary will consider the possibility of a sharing agreement with the Department of Defense as an alternative to all or part of a major medical facility project. This proposed change ties the statutory requirement to all major medical facility projects as defined by section 5004(a)(3)(A). That is, all medical facility projects for which appropriations are sought as "major construction" projects.

Instead of using a specific dollar level, section 5002(d) would be amended to indicate that consideration to the option of sharing must be given before the "construction, alteration, or acquisition . . . of a major medical facility." Under the existing statute

"major medical facility project" is defined as "a project for the construction, alteration, or acquisition of a medical facility involving a total expenditure of more than $2 million." See 38 U.S.C. § 5004(a)(3)(A) (1989).

Section 2 of the draft bill would amend section 5004(a)(3)(A) of title 38 to increase the statutory minor construction cost limitation from $2 million to $3 million. This proposed change reflects increased costs for construction as a result of inflation.

Section 3 of the draft bill would amend section 5009(i)(2) of title 38 to increase the dollar limit currently set forth in the statute thereby making it consistent with the proposed changes.

Current law (38 U.S.C. § 5004(a)(3)(A) and the Construction, Minor, appropriation language) limits the cost of minor construction projects to $2 million or less. This level has been in effect since Fiscal Year 1981. Prior to Fiscal Year 1981, the cost limitation for major projects was $1 million.

By Mr. CRANSTON (for himself, Mr. BINGAMAN, Mr. DECONCINI, Mr. GRAHAM, Mr. MATSUNAGA, and Mr. ROCKEFELLER):

S. 1306. A bill to amend title 38, United States Code, to extend the preventive health care pilot program of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

EXTENDING THE PREVENTIVE HEALTH CARE PILOT PROGRAM OF THE DEPARTMENT OF VETERANS AFFAIRS

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I am today introducing, on behalf of Senator BINGAMAN and myself, S. 1306 a bill to extend for 5 years—through September 30, 1994—expand, and improve the Department of Veterans Affairs [VA] preventive health care program I originally authored in 1979. Joining us as cosponsors on this measure are committee members DECONCINI, GRAHAM, MATSUNAGA, and ROCKEFELLER.

Although the preventive health care services pilot program in subchapter VII of chapter 17 of title 38 expired on September 30, 1988, VA has continued to provide preventive health care and health promotion services pursuant to its general health care authority under chapter 17. However, in this time of serious budget constraints for VA health care and all Federal spending, I am concerned that funds for preventive health care and health promotion have been and will continue to be difficult to come by, and the bill we are introducing today would preserve VA's preventive health care and health promotion services despite the current severe budget situation.

SUMMARY OF PROVISIONS

Specifically, this bill includes provisions which would:

First, extend, until September 30, 1994, the requirement for the Secretary of Veterans Affairs to conduct a pilot progam of preventive health care services.

Second, expand the categories of veterans to whom VA is required to furnish such services to include all veterans who are entitled to receive the care or treatment that they are receiving.

Third, require that those veterans annually be offered a minimum of two preventive health care services when they are otherwise receiving inpatient or outpatient care.

Fourth, require that each VA health care facility implement a major preventive health care and health promotion initiative for those veterans.

Fifth, expressly provide that the scope of preventive health care services under the pilot program includes stress management, smoking cessation, physical fitness, and screening for high blood pressure, glaucoma, colorectal cancer, and cholesterol.

Sixth, require the Secretary to submit reports—in February 1992 and February 1994—on the experience under the pilot program.

Seventh, limit expenditures under the pilot program to $16 million in fiscal year 1990, $17 million in fiscal year 1991, $18 million in fiscal year 1992, $19 million in fiscal year 1993, and $20 million in fiscal year 1994.

Eighth, require that VA's Chief Medical Director [CMD] designate an official in the Veterans Health Services and Research Administration [VHS&RA] as the Director of Preventive Health and Health Promotion Programs, with responsibility for preparing guidance regarding and coordinating and evaluating, and advising the CMD on, all activities under this legislation.

BACKGROUND

Mr. President, although there has not been a conclusive study—in VA or anywhere else—which proves the cost effectiveness of preventive health care, and it is impossible to know with certainty exactly what health problems preventive health care and health promotion services deter, most medical personnel and the general population agree on the value of these activities. In this era of increased emphasis on reducing the cost of medical care and increased efforts to prevent disease and disability, I believe that VA has a special responsibility—because of its size, the number of individuals it treats annually, and its significant responsibility, through active affiliations with health care training institutions, for the training of our Nation's health care providers—to try to learn more about the impact, in terms of cost and improved health, of providing preventive health care services to veterans entitled to VA care.

Because of my conviction about VA's special responsibility in this respect, I have previously authored legislation addressing this issue. In 1976, I introduced and the Senate passed, in S. 2908, a provision to authorize VA to establish a preventive health care program. In 1977, I authored a preventive health care provision—originally in S. 1693—which was included in the Senate-reported-and-passed version of H.R. 5027. Unfortunately, the House refused to accept either provision. However, in 1979, the provision which I authored in S. 7 to authorize VA to establish a preventive health care pilot program was enacted that year in Public Law 96-22. This preventive health care pilot program was targeted to veterans with service-connected disabilities rated at 50 percent or greater and veterans receiving VA care for the treatment of service-connected disabilities. In 1983, I introduced, in S. 11, provisions enacted in Public Law 98-160 modifying this preventive health care program (a) to require VA to provide at least one preventive health care service to veterans previously authorized to receive preventive care while otherwise receiving VA care, and (b) to authorize VA to provide preventive health care services to all veterans otherwise being furnished care under chapter 17 of title 38. The 1983 committee report on S. 578—S. Rept. No. 98-145, pp. 33-36—further describes the legislative history of VA preventive health care services.

In implementing Public Law 98-160, VA developed a list of preventive medicine services to be used as guidance for its facilities across the Nation. This list, which is altered and updated often, now includes the following services or interventions: Alcohol and drug abuse counseling, breast cancer screening, cervical cancer screening, cholesterol screening, colorectal cancer screening, hypertension screening, influenza immunizations, nutrition/weight control counseling, osteoporosis counseling, physical fitness, and smoking cessation. Every VA facility has a preventive medicine coordinator who is responsible for monitoring the implementation of the program and who serves as the liaison for preventive medicine activities.

Each year the Preventive Medicine Field Advisory Group [PMFAG], a group of between five and nine VA physicians who serve as a liaison between VA health care facilities and VA Central Office, while encouraging all these preventive health care services and interventions, recommends one preventive service to receive special systemwide emphasis. This practice of emphasizing one special preventive service per year augments the health services being provided to veterans and provides education and awareness to professionals and patients as well. VA expects that through these highlighted interventions there will be a greater awareness of the importance of preventive medicine in the veteran population. Beginning midway through fiscal year 1985 and continuing

through fiscal year 1986, the special initiative was influenza immunization; in fiscal year 1987, it was colorectal cancer screening; in fiscal year 1988, it was smoking cessation; and, currently, in fiscal year 1989, it is cholesterol screening.

On August 12, 1988, VA released a final report on preventive health care services under Public Law 98-160. According to this report, 84 facilities provided services other than those on the recommended list, and over 50 different activities were reported throughout the system. These included glaucoma screening, preventive foot care, stress management, hearing conservation, and a variety of counseling and other health-education activities. The most widespread preventive health care measure in 1987 was hypertension screening, with over 3 million tests performed in that year. In addition, colorectal cancer screening and influenza immunization both showed increases from 1985 to 1987. Finally, the 1988 report noted increases in the number of preventive health care services for women veterans, with over 2,000 mammograms and pap smears provided in 1987. This is an encouraging trend and one I hope will continue and accelerate.

EXPANSION OF PREVENTIVE HEALTH-CARE MANDATORY SERVICES

Mr. President, the bill that we are introducing today expands the category of veterans who are entitled to preventive health care to include, in addition to those with service-connected disabilities rated 50 percent or more and those receiving care or treatment to which they are entitled. In the case of those receiving hospital or nursing-home care, this includes all category A patients—primarily veterans who have any service-connected disability, who are ex-POW's or World War I veterans, who have disabilities that may be related to their exposure to radiation from a nuclear detonation or to an herbicide in Vietnam, or who have incomes below the category A maximum. In the case of those receiving outpatient treatment, this includes primarily those being treated for service-connected disabilities, those with service-connected disabilities rated at 50 percent or more being treated for any disability and, when receiving treatment necessary to prepare for or obviate hospitalization or to follow up on institutional care, veterans who have service-connected disabilities rated at 30 or 40 percent and those with incomes not exceeding the applicable maximum rate of VA need-based pension.

Implementation of this measure should not become an additional burden to VA health care practitioners. When a veteran receives VA health care for any health problem, there is very often some preventive health care involved as well, and it is standard practice for health care professionals to ask about a patient's medical history and personal habits and to check a patient's blood pressure and other vital signs. By expanding the preventive health care. We seek to make sure all veterans who are entitled to the inpatient or outpatient care they are receiving are also furnished preventive care.

The requirement that these entitled veterans receive two services rather than one service is designed to give VA impetus to expand this program. As I mentioned previously, preventive health care measures are easy to incorporate into examinations of patients who are otherwise receiving care; indeed, they are often, or usually should be, a part of that care already. This expansion of preventive health care seeks to improve veterans' health for little or no additional cost.

In addition to requiring VA to furnish preventive health care services to veterans who are entitled to the care they are receiving, this legislation would leave intact the current provisions—sections 610, 612, and 601(6) of title 38—authorizing VA to furnish such services to any other veteran who is receiving VA care. Preventive health care is neither burdensome nor expensive, so under this existing discretionary authority VA would continue to be in the position of being able to provide these services whenever that is feasible and appropriate. It is often a simple matter to add preventive health care services to the care a veteran is otherwise receiving.

This legislation would also require that VA annually implement at all VA health care facilities a major preventive health care or health promotion initiative for veterans entitled to preventive health care. This focused approach is designed to direct veterans' attention to a specific health issue, provide them with useful information about that issue, and screen them for related health risks or problems. Since VA currently chooses a particular program to emphasize each year, the bill would codify this valuable administrative practice.

In addition, this legislation calls for the Chief Medical Director to designate an official in VHS&RA as the Director of Preventive Health and Health Promotion Programs. This official would be charged with preparing guidance regarding and coordinating and evaluating, and advising the CMD on, preventive health care, health promotion, and related activities under this legislation. By establishing this position, we seek in this legislation to increase the visibility and importance of, and provide a better focus on, preventive health care and health promotion services in VA.

The bill would amend the definition of preventive health care services in section 662 of title 38, which sets the scope of such services under the pilot program, in order to list expressly certain services that VA is already providing: information about stress management, smoking cessation, and physical fitness, and screening for high blood pressure, glaucoma, colorectal cancer, and cholesterol. Such services are already part of VA medical examinations or patient-health education, or have been stressed as annual nationwide initiatives.

Our bill also would require the Secretary to submit two reports—in 1992 and 1994—on VA's preventive health care and health promotion activities. These reports are important for assessing the scope of these VA programs and the cost effectiveness of preventive health care in general and should help the Congress determine the future of the program at the end of the next 5-year period.

Finally, this legislation would continue to limit the amount VA can spend on preventive health care and health promotion services under the pilot program. From the $15 million limit for fiscal year 1988, the bill would increase the cap to $16 million in fiscal year 1990, and—at a rate of $1 million per year—to $20 million in fiscal year 1994. In this time of such serious budget deficits, I strongly believe it is desirable to retain a cost limit when providing for expansion of such a program.

CONCLUSION

Mr. President, I am keenly aware of the current budgetary strains in the VA medical care system, but I am also—and have long been—convinced of the value and cost effectiveness of preventive health care and health promotion services. This measure would provide—I believe in a cost-effective manner—for the furnishing of important services and information to improve veterans' health today and help avoid health problems in the future. I urge my colleagues' support for this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1306

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REFERENCE TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. EXTENSION OF PREVENTIVE HEALTH-CARE SERVICES PILOT PROGRAM.

Paragraph (1) of section 663(a) is amended to read as follows:

"(1) In order to carry out the purpose of this subchapter, the Secretary, through fiscal year 1994—

"(A) shall furnish annually at least two preventive health-care services that the Secretary determines to be feasible and appropriate to any veteran being furnished care or services under section 610(a)(1) or 612(a)(1) or (2) of this title; and

"(B) shall implement annually at each Department of Veterans Affairs health-care facility a major preventive health-care and health-promotion initiative for such veterans.".

SEC. 3. LIMIT ON EXPENDITURES.

Section 663(c) is amended—

(1) by striking out "or" after "1983,"; and

(2) by striking out the period at the end and inserting in lieu thereof ", more than $16,000,000 in fiscal year 1990, more than $17,000,000 in fiscal year 1991, more than $18,000,000 in fiscal year 1992, more than $19,000,000 in fiscal year 1993, or more than $20,000,000 in fiscal year 1994.".

SEC. 4. DIRECTOR OF PREVENTIVE HEALTH-CARE AND HEALTH-PROMOTION PROGRAMS.

Section 663 is amended by adding at the end the following new subsection:

"(d)(1) The Chief Medical Director shall designate an official in the Veterans Health Services and Research Administration to act as the Director of Preventive Health-Care and Health-Promotion Programs.

"(2) The Director of Preventive Health-Care and Health-Promotion Programs shall prepare guidance regarding and be responsible for coordinating and evaluating, and advising the Chief Medical Director on, all activities carried out under this subchapter.".

SEC. 5. REPORTS.

Section 664 is amended to read as follows:

"(a) The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives—

"(1) not later than February 1, 1992, an interim report on the experience under the program provided for by this subchapter; and

"(2) not later than February 28, 1994, a final report on the experience under the program.

"(b) Each report submitted pursuant to subsection (a) of this section shall include, with respect to the experience under the program through September 30 of the year preceding the deadline for submission of such report specified in subsection (a) of this section—

"(1) a description of the types of services that have been rendered pursuant to section 663(a)(1)(A) and the number of veterans who received such services;

"(2) a description of the preventive health-care and health-promotion initiatives that were implemented pursuant to section 663(a)(1)(B) of this title and the number of veterans who have been served through such initiatives;

"(3) a description of the types of preventive health-care services that have been furnished pursuant to sections 610, 612, and 601(6) of this title and the number of veterans who received such services;

"(4) a description of activities conducted pursuant to section 663(a)(2) of this title;

"(5) an assessment of the results of the program; and

"(6) any plans for administrative action, and any recommendations for legislation, that the Secretary considers appropriate.".

SEC. 6. CONFORMING AND CLARIFYING AMENDMENTS.

(a) Section 661(1) is amended by striking out ", including veterans with service-connected disabilities rated at 50 per centum or more and veterans being furnished care or services involving a service-connected disability under this chapter,".

(b) Clauses (1) and (2) of section 662 are amended to read as follows:

"(1) periodic medical and dental examinations (including screenings for high blood pressure, glaucoma, colorectal cancer, and cholesterol);

"(2) patient health education (including education about nutrition, stress management, physical fitness, and smoking cessation);".

By Mr. PRESSLER:

S. 1307. A bill to amend the Land Remote-Sensing Commercialization Act of 1984 in order to transfer responsibility for archiving land remote-sensing data to the Department of the Interior, and for other purposes; to the Committee on Commerce, Science, and Transportation.

RELATING TO LAND REMOTE-SENSING DATA

Mr. PRESSLER. Mr. President, today I am introducing legislation to transfer the responsibility for archiving the land remote sensing data acquired by the Landsat satellites from the Department of Commerce to the Department of the Interior.

I worked closely with the administration to develop this legislation. The Secretaries of Commerce and the Interior and the Office of Management and Budget have expressed strong support for this transfer. In fact, this legislation simply clarifies a decision worked out last year to transfer funding for the remote sensing archive from Commerce to Interior. That funding transfer is reflected in the fiscal year 1990 administration budget requests for these two departments. In fiscal year 1990 the archive will be funded through the Department of the Interior. This legislation makes it clear that Interior, not Commerce, will now be the responsible department.

The Land Remote-Sensing Commercialization Act of 1984 gave the responsibility for archiving to the Secretary of Commerce. At the time, that made sense. The Landsat program fell under the jurisdiction of the National Oceanic and Atmospheric Administration [NOAA]. The archiving and processing of the Landsat data is handled at the Earth Resources Observation Systems [EROS] Data Center near Sioux Falls, SD. The EROS Data Center [EDC] is a U.S. Geological Survey [USGS] facility, but since NOAA was processing the Landsat data, it also made sense for NOAA to handle the archiving of that data.

But the 1984 Commercialization Act also began the process of getting NOAA out of the Landsat processing business. Once Landsats 4 and 5 discontinue operations, NOAA will be doing no processing of incoming data at EDC. Without a transfer of authority, NOAA would still be responsible for archiving the old data. It seems to make more sense to everyone involved that this is the proper time to give that responsibility to the Department of the Interior, which operates the facility and is also one of the biggest users of the accumulated data.

NOAA and the USGS signed a memorandum of agreement in May of 1986 outlining such a transfer of responsibility. This legislation is the final step in effectuating that move.

The EROS Data Center is the primary national repository for land remote sensing data. It houses Landsat data collected since 1972. This is one of our most important sources of baseline information for the study of global climate change, as well as long-term trends in land use and deforestation. The USGS is the proper agency to archive these invaluable data.

In the 1990's the EROS Data Center will assume an even greater importance as the repository for land remote sensing data from the Earth Observing System [EOS] program of the National Aeronautics and Space Administration [NASA]. This vital new data, together with the existing two decades of Landsat data, will provide the essential information necessary to understand our global climate system. With that knowledge, we will be better able to deal with the problems of global warming and ozone depletion.

Mr. President, I urge swift consideration of this legislation and ask unanimous consent that the text of this bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1307

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) section 602 of the Land Remote-Sensing Commercialization Act of 1984 (15 U.S.C. 4272) directs the Secretary of Commerce to provide for the archiving of land remote-sensing data for historical, scientific, and technical purposes, including long-term global environmental monitoring;

(2) the Secretary of Commerce currently provides for the archiving of Landsat data at the Department of the Interior's EROS Data Center, which is consistent with the requirement of such section 602(g) to use existing Federal Government facilities to the maximum extent practicable in carrying out this archiving responsibility;

(3) the Landsat data collected since 1972 are an important global data set for monitoring and assessing land resources and global change;

(4) the Secretary of the Interior maintains archives of aerial photography, digital cartographic data, and other Earth science data at the EROS Data Center that also are important data sets for monitoring and assessing land resources and global change;

(5) it is appropriate to transfer authority for section 602 of the Land Remote-Sensing Commercialization Act of 1984 to the Secretary of the Interior; and

(6) the Secretary of the Interior should explore ways to facilitate the use of archiving data for research purposes consistent with other provisions of such Act.

SEC. 2. AMENDMENTS.

The Land Remote-Sensing Commercialization Act of 1984 is amended—

(1) in section 402(b)(4), by inserting "of the Interior" after "Secretary";

(2) in section 602(b), (c), (d), (f), and (g), by inserting "of the Interior" after "Secretary" each place it appears; and

(3) by adding at the end of section 602 the following new subsection;

"(h) In carrying out the functions of this section, the Secretary of the Interior shall consult with the Secretary to ensure that archiving activities are consistent with the terms and conditions of any contract or agreement entered into under title II, III, or V, of this Act and with any license issued under title IV of this Act.".

ADDITIONAL COSPONSORS

S. 9

At the request of Mr. DOLE, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 9, a bill to amend title II of the Social Security Act to phase out the earnings test over a 5-year period for individuals who have attained retirement age, and for other purposes.

S. 11

At the request of Mr. CRANSTON, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 11, a bill to provide for the protection of the public lands in the California desert.

S. 16

At the request of Mr. CRANSTON, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 16, a bill to require the executive branch to gather and disseminate information regarding, and to promote techniques to eliminate, discriminatory wage-setting practices and discriminatory wage disparities which are based on sex, race, or national origin.

S. 24

At the request of Mr. WALLOP, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 24, a bill to clarify that charges and fees may be collected in connection with foreign trade zones at certain small airports.

S. 135

At the request of Mr. GLENN, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 135, a bill to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

S. 137

At the request of Mr. BOREN, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 137, a bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns to limit contributions by multicandidate political committees, and for other purposes.

S. 163

At the request of Mr. THURMOND, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 163, a bill to amend the Internal Revenue Code of 1986 to provide that service performed for an elementary or secondary school operated primarily for religious purposes is exempt from the Federal unemployment tax.

S. 306

At the request of Mr. BENTSEN, the names of the Senator from Indiana [Mr. JOHNSTON], the Senator from California [Mr. WILSON], the Senator from Georgia [Mr. FOWLER], the Senator from Virginia [Mr. ROBB], the Senator from Nebraska [Mr. EXON], and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of S. 306, a bill to amend the Social Security Act to make certain modifications in the Medicare Program with respect to payments made under such program to hospitals located in rural areas, to improve the delivery of health services to individuals residing in such areas, and for other purposes.

S. 335

At the request of Mr. MCCAIN, the names of the Senator from Nevada [Mr. BRYAN] and the Senator from Florida [Mr. MACK] were added as cosponsors of S. 335, a bill to amend title XVIII of the Social Security Act and other provisions of law to delay for 1 year the effective dates of the supplemental Medicare premium and additional benefits under part B of the Medicare Program, with the exception of the spousal impoverishment benefit.

S. 342

At the request of Mr. DANFORTH, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 342, a bill to amend the Internal Revenue Code of 1986 to provide that certain credits will not be subject to the passive activity rules, and for other purposes.

S. 375

At the request of Mr. HOLLINGS, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 375, a bill to provide for the broadcasting of accurate information to the people of Cuba, and for other purposes.

S. 424

At the request of Mr. THURMOND, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 424, a bill to provide a minimum monthly annuity for the surviving spouses of certain deceased members of the uniformed services.

S. 435

At the request of Mr. REID, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of S. 435, a bill to amend section 118 of the Internal Revenue Code to provide for certain exceptions from certain rules determining contributions in aid of construction.

S. 464

At the request of Mr. SANFORD, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of S. 464, a bill to promote safety and health in workplaces owned, operated or under contract with the United States by clarifying the U.S. obligation to observe occupational safety and health standards and clarifying the U.S. responsibility for harm caused by its negligence at any workplace owned by, operated by, or under contract with the United States.

S. 488

At the request of Mr. FOWLER, the names of the Senator from Connecticut [Mr. LIEBERMAN] and the Senator from Tennessee [Mr. GORE] were added as cosponsors of S. 488, a bill to provide Federal assistance and leadership to a program of research, development, and demonstration of renewable energy and energy efficiency technologies, and for other purposes.

S. 640

At the request of Mr. KASSEBAUM, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 640, a bill to regulate interstate commerce by providing for uniform standards of liability for harm arising out of general aviation accidents.

S. 657

At the request of Mr. MITCHELL, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 657, a bill to authorize a national program to reduce the threat to human health posed by exposure to contaminants in the air indoors.

S. 741

At the request of Mr. LAUTENBERG, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 741, a bill to require the Secretary of Labor to identify labor shortages and develop a plan to reduce such shortages, and for other purposes.

S. 753

At the request of Mr. GORE, the names of the Senator from Tennessee [Mr. SASSER], the Senator from Arizona [Mr. DECONCINI], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of S. 753, a bill to provide a special statute of limitations for certain refund claims.

S. 771

At the request of Mr. REID, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 771, a bill to amend the Internal Revenue Code of 1986 to disallow deductions for costs in connection with oil and hazardous substances cleanup unless the requirements of all applicable Federal laws concerning such cleanup are met, and for other purposes.

S. 804

At the request of Mr. MITCHELL, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 804, a bill to conserve North American wetland ecosystems and waterfowl and the other migratory birds and fish and wildlife that depend upon such habitats.

S. 893

At the request of Mr. LAUTENBERG, the names of the Senator from Maryland [Mr. SARBANES], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 893, a bill to establish certain categories of Soviet and Vietnamese nationals presumed to be subject to persecution and to provide for adjustment to refugee status of certain Soviet and Vietnamese parolees.

S. 975

At the request of Mr. METZENBAUM, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 975, a bill to amend the Job Training Partnership Act to encourage a broader range of training and job placement for women, and for other purposes.

S. 1036

At the request of Mr. WIRTH, his name was added as a cosponsor of S. 1036, a bill to improve the economic, community, and educational well-being of rural America, and for other purposes.

S. 1044

At the request of Mr. DOLE, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 1044, a bill to amend the Disaster Assistance Act of 1988 to extend disaster assistance to losses due to adverse weather conditions of 1988 or 1989 for crops planted in 1988 for harvest in 1989, and for other purposes.

S. 1100

At the request of Mr. MCCONNELL, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 1100, a bill to provide greater certainty in the availability and cost of liability insurance, to eliminate the abuses of the tort system, and for other purposes.

S. 1153

At the request of Mr. DASCHLE, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of S. 1153, a bill to amend title 38, United States Code, to provide for the establishment of presumptions of service-connection between certain diseases experienced by veterans who served in Vietnam era and exposure to certain toxic herbicide agents used in Vietnam; to provide for interim benefits for veterans of such service who have certain diseases; to improve the reporting requirements relating to the "Ranch Hand Study"; and for other purposes.

S. 1201

At the request of Mr. BENTSEN, the names of the Senator from Maine [Mr. MITCHELL], the Senator from Hawaii [Mr. INOUYE], the Senator from West Virginia [Mr. ROCKEFELLER] and the Senator from Pennsylvania [Mr. HEINZ] were added as cosponsors of S. 1201, a bill to amend title XIX of the Social Security Act to make certain modifications in the Medicaid program to provide pregnant women and children greater access to health care under such program, and for other purposes.

S. 1202

At the request of Mr. ROTH, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 1202, a bill to amend title 10, United States Code, to provide for the centralized planning and conduct of major defense acquisition programs of the Department of Defense, to establish in the Department of Defense a Defense Acquisition Agency, and for other purposes.

S. 1213

At the request of Mr. COHEN, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 1213, a bill to establish a presumption of eligibility for asylum in the United States for certain natives of the People's Republic of China.

S. 1268

At the request of Mr. D'AMATO, the name of the Senator from Pennsylvania [Mr. HEINZ] was added as a cosponsor of S. 1268, a bill to amend the Immigration and Nationality Act to permit certain nationals of the People's Republic of China to adjust their status to that of aliens lawfully admitted to the United States for temporary residence.

S. 1291

At the request of Mr. PELL, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 1291, a bill to extend and amend the Library Services and Construction Act, and for other purposes.

SENATE JOINT RESOLUTION 48

At the request of Mr. HOLLINGS, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of Senate Joint Resolution 48, a joint resolution proposing an amendment to the Constitution of the United States relative to contributions and expenditures intended to affect congressional and Presidential elections.

SENATE JOINT RESOLUTION 80

At the request of Mr. KASTEN, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was withdrawn as a cosponsor of Senate Joint Resolution 80, a joint resolution disapproving the recommendations of the Commission on Base Realignment and Closure.

SENATE JOINT RESOLUTION 114

At the request of Mr. THURMOND, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of Senate Joint Resolution 114, a joint resolution expressing the sense of the Congress that the people of the United States should purchase products made in the United States and services provided in the United States, whenever possible, instead of products made or services performed outside the United States.

SENATE JOINT RESOLUTION 132

At the request of Mr. SASSER, the names of the Senator from Michigan [Mr. RIEGLE] and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of Senate Joint Resolution 132, a joint resolution designating September 1 through 30, 1989, as "National Alcohol and Drug Treatment Month."

SENATE JOINT RESOLUTION 164

At the request of Mr. NICKLES, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of Senate Joint Resolution 164, a joint resolution designating 1990 as the "International Year of Bible Reading."

SENATE JOINT RESOLUTION 167

At the request of Mr. THURMOND, the names of the Senator from Alaska [Mr. STEVENS], the Senator from Nevada [Mr. REID], and the Senator from Maine [Mr. COHEN] were added as cosponsors of Senate Joint Resolution 167, a joint resolution proposing an amendment to the Constitution of the United States to prohibit the desecration of the flag.

SENATE JOINT RESOLUTION 173

At the request of Mr. RIEGLE, the names of the Senator from Hawaii [Mr. MATSUNAGA], the Senator from West Virginia [Mr. BYRD], and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of Senate Joint Resolution 173, a joint resolution to designate the decade beginning January 1, 1990, as the "Decade of the Brain."

SENATE CONCURRENT RESOLUTION 40

At the request of Mr. CRANSTON, the names of the Senator from South Carolina [Mr. HOLLINGS] and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of Senate Concurrent Resolution 40, a concurrent resolution to designate June 21, 1989, as Chaney, Goodman, and Schwerner Day.

SENATE CONCURRENT RESOLUTION 46

At the request of Mr. DECONCINI, the names of the Senator from Wisconsin [Mr. KOHL], the Senator from Massachusetts [Mr. KERRY], the Senator from West Virginia [Mr. BYRD], the Senator from Texas [Mr. BENTSEN], the Senator from Illinois [Mr. SIMON], the Senator from Indiana [Mr. LUGAR], and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of Senate Concurrent Resolution 46, a concurrent resolution condemning the brutal treatment of, and blatant discrimination against, the Turkish minority by the Government of the People's Republic of Bulgaria.

SENATE RESOLUTION 80

At the request of Mr. KASTEN, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of Senate Resolution 80, a resolution relating to legislation which would require interstate mail-order companies to impose State taxes on items mailed across State borders.

AMENDMENT NO. 238

At the request of Mr. HATCH, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of amendment No. 238 proposed to S. 358, a bill to amend the Immigration and Nationality Act to change the level, and preference system for admission, of immigrants to the United States, and to provide for administrative naturalization, and for other purposes.

AMENDMENT NO. 240

At the request of Mr. HELMS, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of amendment No. 240 proposed to S. 358, a bill to amend the Immigration and Nationality Act to change the level and preference system for admission of immigrants to the United States and to provide for administrative naturalization, and for other purposes.

AMENDMENTS SUBMITTED

IMMIGRATION ACT AMENDMENTS

MURKOWSKI AMENDMENT NO. 241

Mr. MURKOWSKI proposed an amendment to the bill (S. 358) to amend the Immigration and Nationality Act to change the level, and preference system for admission, of immigrants to the United States, and to provide for administrative naturalization, and for other purposes, as follows:

At the appropriate place in the bill insert the following new section:

SEC. . TASK FORCE ON STUDENTS FROM THE PEOPLE'S REPUBLIC OF CHINA IN THE UNITED STATES.

(1) ESTABLISHMENT.—It is the sense of the Senate that the President shall establish a task force to be known as the Task Force on Certain Nationals of the People's Republic of China in the United States (hereafter in this section referred to as the "Task Force"), composed of the Secretary of State (or his designee), who shall be the chair of the Task Force and representatives of other relevant agencies, as determined by the Secretary of State.

(2) DUTIES AND RESPONSIBILITIES.—The Task Force shall carry out the following duties and responsibilities:

(A) Taking into consideration the situation in the People's Republic of China, the Task Force shall assess the specific needs and status of citizens of the People's Republic of China who were admitted under nonimmigration visas to the United States.

(B) The Task Force shall formulate and recommend to the Congress and the President policies and programs to address the needs determined under subparagraph (A).

(C) The Task Force shall establish directly or indirectly a clearinghouse to provide those Chinese citizens described in subparagraph (A) and United States Institutions of higher education with appropriate information including—

(i) public and private sources of financial assistance available to such citizens;

(ii) information and assistance regarding visas and immigration status; and

(iii) such other information as the Task Force considers feasible and appropriate.

(3) REPORTS.—(A) Not later than 60 days after the date of enactment of this Act, the President shall submit to the Congress a report on the status and work of the Task Force.

(B) Not later than May 1, 1990, and every 90 days the establishment of such task force, after the President shall submit to the appropriate committees of the Congress a report prepared by the Task Force, which shall include—

(i) recommendations under paragraph (2)(B); and

(ii) a comprehensive summary of the programs and activities of the Task Force.

(4) TERMINATION.—The Task Force shall cease to exist 2 years after the date of enactment of this Act.

GORTON (AND OTHERS) AMENDMENT NO. 242

Mr. GORTON (for himself, Mr. KASTEN, Mr. DOMENICI, Mr. WILSON, Mr. COHEN, Mr. GRAMM, Mr. LIEBERMAN, and Mr. D'AMATO) proposed an amendment, which was subsequently modified, to the bill S. 358, supra, as follows:

(1) EXTENSION OF DURATION OF STATUS.—Subsection 245B(e)(1) of section 302 of title III of the bill relating to the status of students from the People's Republic of China set forth in amendment numbered 239, as amended, is hereby further amended by striking the date "June 5, 1992" and inserting in lieu thereof the date "June 5, 1993."

(2) ADJUSTMENT TO LAWFUL RESIDENT STATUS OF CERTAIN NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA.—Section 302 of title III of the bill, as amended, is further amended by the following subsection (f) to read in its entirety as follows:

"(f) ADJUSTMENT TO LAWFUL RESIDENT STATUS OF CERTAIN NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA.

(1) ADJUSTMENT OF STATUS.—The status of a national of the People's Republic of China shall be adjusted by the Attorney General to that of an alien lawfully admitted for temporary residence if the alien—

(A) applies for such adjustment during the 90-day period prior to June 5, 1993;

(B) establishes that the alien (i) lawfuly entered the United States on or before June 5, 1989, as a nonimmigrant described in subparagraph (F) (relating to students), subparagraph (J) (relating to exchange visitors) or subparagraph (M) (relating to vocational students) of section 101(a)(15) of the Immigration and Nationality Act, or lawfully changed status to that of a nonimmigrant described in any such subparagraph on or before June 5, 1989, (ii) held a valid visa under any such subparagraph as of June 5, 1989, and (iii) has resided continuously in the United States since June 5, 1989 (other than brief, casual and innocent absences); and

(C) meets the requirements of section 245A(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1255a(a)(4)), provided however, membership in the Communist party of the People's Republic of China or subdivision thereof shall not constitute an independent basis for denial of adjustment of status if such membership was 'involuntary" or "nonmeaningful";

and the Attorney General shall not have terminated prior to June 5, 1993, the status accorded under subsection (e) of this Section. The Attorney General shall provide for the acceptance and processing of applications under this subsection by not later than ninety (90) days after the date of enactment of this Act.

"(2) STATUS AND ADJUSTMENT OF STATUS.—The provisions of subsections (b), (c) (6), and (7) (d), (f), (g), and (h) of section 245A of the Immigration and Nationality Act (8 U.S.C. 1255a) shall apply to aliens provided temporary residence under subsection (a) in the same manner as they apply to aliens provided lawful temporary residence status under section 245A(a) of such Act, provided however, membership in the Communist party of the People's Republic of China or any subdivision thereof shall not constitute an independent basis for denial of adjustment of status if such membership was "involuntary" or "nonmeaningful"."

MOYNIHAN (AND OTHERS) AMENDMENT NO. 243

Mr. KENNEDY (for Mr. MOYNIHAN for himself, Mr. KENNEDY, Mr. SIMON, and Mr. SIMPSON) proposed an amendment to the bill S. 358, supra, as follows:

At the end of the bill, insert the following new section:

SEC. . REPORT TO CONGRESS ON U.S. IMMIGRATION POLICY TOWARD BURMESE STUDENTS.

(a) The Attorney General, in consultation with the Secretary of State, shall report to the Committees on Foreign Relations and Judiciary within 30 days of enactment of this act on the immigration policy of the United States regarding Burmese prodemocracy protesters who have fled from the military government of Burma and are now located in border camps or inside Thailand. Specifically, the report shall include:

(1) a description of the number and location of such persons in border camps in Burma, inside Thailand, and in third countries;

(2) the number of visas and parole applications and approvals for such persons by United States authorities and precedents for increasing such visa and parole applications in such circumstances;

(3) the immigration policy of Thailand and other countries from which such persons have sought immigration assistance;

(4) the involvement of international organizations, such as the United Nations High Commission for Refugees, in meeting the residency needs of such persons; and

(5) the involvement of the United States, other countries, and international organizations in meeting the humanitarian needs of such persons.

The Attorney General shall recommend in the report any legislative changes he deems appropriate to meet the asylum, refugee, parole, or visa status needs of such persons.

(b) As used in this section, the term "prodemocracy protesters" means those persons who have fled from the current military regime of Burma since the outbreak of prodemocracy demonstrations in Burma in 1988.

CHAFEE (AND OTHERS) AMENDMENT NO. 244

Mr. CHAFEE (for himself, Mr. HATFIELD, Mr. CRANSTON, Mr. GORE, Mr. ADAMS and Mr. WILSON) proposed an amendment to the bill S. 358, supra, as follows:

On page 124, after line 25, add the following new section:

SEC. . ACTION WITH RESPECT TO SPOUSES AND CHILDREN OF LEGALIZED ALIENS.

(a) TEMPORARY STAY OF DEPORTATION AND WORK AUTHORIZATION FOR CERTAIN ELIGIBLE IMMIGRANTS.—

(1) IN GENERAL.—The Attorney General shall provide that in the case of an alien who is an eligible immigrant (as defined in subsection (b)(1)) as of November 6, 1986, who has entered the United States before such date, who resides in the United States on such date, and who is not lawfully admitted for permanent residence, until the cut-off date specified in paragraph (2), the alien—

(A) may not be deported or otherwise required to depart from the United States on a ground specified in paragraph (1), (2), (5), (9), or (12) of section 241(a) of the Immigration and Nationality Act (other than so much of section 241(a)(1) of such Act as relates to a ground of exclusion described in paragraph (9), (10), (23), (27), (28), (29), or (33) of section 212(a) of such Act), and

(B) shall be granted authorization to engage in employment in the United States and be provided an "employment authorized" endorsement or other appropriate work permit.

(2) CUT-OFF DATE.—For purposes of paragraph (1), the "cut-off date" specified in this paragraph, in the case of an eligible immigrant who is the spouse or child of a legalized alien described in—

(A) subsection (b)(2)(A), is (i) the date the legalized alien's status is terminated under section 210(a)(3) of the Immigration and Nationality Act, or (ii) subject to paragraph (4), 90 days after the date of the notice to the legalized alien under paragraph (3) of the applicable cut-off date, whichever date is earlier;

(B) subsection (b)(2)(B), is (i) the date the legalized alien's status is terminated under section 245A(b)(2) of the Immigration and Nationality Act, or (ii) subject to paragraph (4), 90 days after the date of the notice to the legalized alien under paragraph (3) of the applicable cut-off date, whichever date is earlier; or

(C) subsection (b)(2)(C), is 90 days after the date of the notice to the legalized alien under paragraph (3) of the applicable cut-off date.

(3) NOTICE.—In the case of each legalized alien whose status has been adjusted under section 210(a)(2) or 245A(b)(1) of the Immigration and Nationality Act or under section 202 of the Immigration Reform and Control Act of 1986 and who has a spouse or unmarried child receiving benefits under paragraph (1), the Attorney General shall notify the alien of the applicable cut-off date described in paragraph (2)(B) and the need to file a petition for classification of such spouse or child as an immediate relative to continue the benefits of paragraph (1). Such notice shall be provided as follows:

(A) If the legalized alien adjusted status to that of an alien lawfully admitted for permanent residence before the date that the definition contained in section 201(b)(2)(A)(i) of the Immigration and Nationality Act (as amended by this Act) first applies, the notice under this paragraph shall be provided as of the date that that definition first applies.

(B) If the legalized alien adjusted status to that of an alien lawfully admitted for permanent residence after the date that such definition first applies, the notice under this paragraph shall be provided at the time of granting such adjustment of status.

(4) DELAY IN CUT-OFF WHILE IMMEDIATE RELATIVE PETITION PENDING.—The cut-off date under paragraph (2)(B) with respect to an eligible immigrant shall not apply during any period in which there is pending with respect to the eligible immigrant a classification petition for immediate relative status under section 204(a) of the Immigration and Nationality Act.

(b) ELIGIBLE IMMIGRANT AND LEGALIZED ALIEN DEFINED.—In this section:

(1) The term "eligible immigrant" means a qualified immigrant who is the spouse or unmarried child of a legalized alien.

(2) The term "legalized alien" means an alien lawfully admitted for temporary or permanent residence who was provided—

(A) temporary or permanent residence status under section 210 of the Immigration and Nationality Act,

(B) temporary or permanent residence status under section 245A of the Immigration and Nationality Act, or

(C) permanent residence status under section 202 of the Immigration Reform and Control Act of 1986.

(c) APPLICATION OF DEFINITIONS.—Except as otherwise specifically provided in this section, the definitions contained in the Immigration and Nationality Act shall apply in the administration of this section. Nothing contained in this section shall be held to repeal, amend, alter, modify, effect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of such Act or any other law relating to immigration, nationality, or naturalization. The fact that an alien may be eligible to be issued an immigrant visa under this section shall not preclude the alien from seeking such a visa under any other provision of law for which the alien may be eligible.

HUMPHREY AMENDMENT NO. 245

Mr. HUMPHREY proposed an amendment to the bill S. 358, supra; as follows:

On page 124, after line 25, insert the following new section:

SEC. 109. CONTINUING PROVISION PERMITTING IMMIGRATION OF CERTAIN ADOPTED CHILDREN.

(a) IN GENERAL.—Section 101(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(2)) is amended by inserting before the period at the end the following: ", except that, for purposes of paragraph (1)(F) (other than the second proviso therein) in the case of an illegitimate child described in paragraph (1)(D) (and not described in paragraph (1)(C)), the term 'parent' does not include the natural father of the child if the father has disappeared or abandoned or deserted the child or if the father has in writing irrevocably released the child for emigration and adoption".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1989, upon the expiration of the amendment made by section 210(a) of the Department of Justice Appropriations Act, 1989 (title II of Public Law 100-459, 102 Stat. 2203).

BUMPERS AMENDMENT NO. 246

Mr. BUMPERS proposed an amendment to the bill S. 358, supra, as follows:

Beginning on page 94, strike out line 11 and all that follows through line 2 on page 95.

On page 95, line 3, strike out "(5)" and insert in lieu thereof "(4)".

On page 97, line 13, strike out "(5)" and insert in lieu thereof "(4)".

On page 97, line 19, strike out "(5)" and insert in lieu thereof "(4)".

On page 98, line 2, strike out "(5)" and insert in lieu thereof "(4)".

On page 98, line 7, strike out "(5)" and insert in lieu thereof "(4)".

On page 101, line 21, strike out "(5)" and insert in lieu thereof "(4)".

On page 102, line 7, strike out "(5)" and insert in lieu thereof "(4)".

On page 102, line 10, strike out "(5)" and insert in lieu thereof "(4)".

Beginning on page 105, strike out line 15 and all that follows through the item between lines 10 and 11 on page 115.

On page 116, line 7, strike out "(5)" and insert in lieu thereof "(4)".

On page 116, line 11, strike out "(5)" and insert in lieu thereof "(4)".

On page 117, line 7, strike out "(5)" and insert in lieu thereof "(4)".

On page 117, line 18, strike out "(5)" and insert in lieu thereof "(4)".

LAUTENBERG (AND OTHERS) AMENDMENT NO. 247

Mr. LAUTENBERG (for himself, Mr. LEVIN, Mr. BRADLEY, Mr. KERRY, Mr. LIEBERMAN, and Mr. SANFORD) proposed an amendment to the bill S. 358, supra, as follows:

On page 148, after line 17, add the following new title:

TITLE III—LABOR SHORTAGE REDUCTION

SEC. 301. DEFINITIONS.

As used in this title:

(1) LABOR SHORTAGE.—The term "labor shortage" means a situation in which, in a particular occupation, the quantity of labor supplied is less than the quantity of labor demanded by employers.

(2) SECRETARY.—The term "Secretary" means the Secretary of Labor.

SEC. 302. IDENTIFICATION, PUBLICATION, AND REDUCTION OF LABOR SHORTAGES.

(a) IDENTIFICATION OF LABOR SHORTAGES.—

(1) METHODOLOGY.—Utilizing available data bases to the extent possible, the Secretary shall develop a methodology to estimate, on an annual basis, national labor shortages.

(2) LABOR SHORTAGE DESCRIPTION.—As part of the identification of national labor shortages under paragraph (1), the Secretary shall, to the extent feasible, develop information on—

(A) the intensity of each labor shortage;

(B) the supply and demand of workers in occupations affected by the shortage;

(C) industrial and geographic concentration of the shortage;

(D) wages for occupations affected by the shortage;

(E) entry requirements for occupations affected by the shortage; and

(F) job content for occupations affected by the shortage.

(b) PUBLICATION OF NATIONAL LABOR SHORTAGES.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, and each year thereafter, the Secretary shall publish the list of national labor shortages as determined under subsection (a).

(2) DISTRIBUTION OF PUBLICATION.—The Secretary shall provide the list referred to in paragraph (1) and related information to parties and agencies such as—

(A) students and job applicants;

(B) vocational educators;

(C) employers;

(D) labor unions;

(E) guidance counselors;

(F) administrators of programs established under the Job Training and Partnership Act (20 U.S.C. 1501 et seq.)

(G) job placement agencies; and

(H) appropriate Federal and State agencies.

(3) MEANS OF DISTRIBUTION.—In making the distribution referred to in paragraph (2), the Secretary shall use various means of distribution methods, including appropriate electronic means such as the Interstate Job Bank.

(c) DEVELOPMENT OF DATA BASES.—The Secretary shall—

(1) conduct research and, as appropriate, develop data bases to improve the accuracy of the methodology referred to in subsection (a); and

(2) Make recommendations to identify labor shortages by region, State, and local areas.

(d) REPORT TO CONGRESS.—At the same time that the Secretary issues the annual publication under subsection (b), the Secretary shall prepare and submit to the appropriate committees of Congress a report that—

(1) describes the progress of the research and development conducted under subsection (c);

(2) describes actions taken by the Secretary during the previous 12 months to reduce labor shortages, and specifies a plan of action to be taken by the Secretary to ensure that federally funded employment, education, and training agencies reduce national labor shortages that have been identified under subsection (a); and

(3) includes recommendations by the Secretary for parties such as Congress, Federal agencies, States, employers, labor unions, job applicants, students, and career counselors to reduce such labor shortages by—

(A) promoting recruitment efforts of job placement agencies for occupations experiencing a labor shortage;

(B) encouraging career counseling and testing to guide potential employees into occupations experiencing a labor shortage;

(C) accelerating and enhancing education and training in occupations experiencing a labor shortage; and

(D) other appropriate actions.

SEC. 303. AUTHORIZATION OF APPROPRIATION.

There are authorized to be appropriated to carry out this title $2,500,000 for the first fiscal year beginning after the date of enactment of this title, and such sums as may be necessary to carry out this title in each subsequent fiscal year.

LEVIN AMENDMENT NO. 248

Mr. LEVIN proposed an amendment to the bill S. 358, supra, as follows:

On page 122 after line 5, insert the following new subection.

"(5) the impact of per country immigration levels on family connected immigration."

DRUG ABUSE TECHNICAL CORRECTION ACT

KENNEDY AMENDMENT NO. 249

Mr. KENNEDY proposed an amendment to the amendment of the Senate numbered 8 to the bill (H.R. 1426) to amend the Public Health Service Act to make technical corrections relating to subtitles A and G of title II of the Anti-Drug Abuse Act of 1988, and for other purposes, as follows:

At the appropriate place, insert the following new section:

"SEC. . COLLEGES OF OSTEOPATHIC MEDICINE.

"Section 2313(c) of the Public Health Service Act (42 U.S.C. 300cc-13(c)) is amended by inserting "and osteopathic medicine" after "schools of medicine".

At the appropriate place, insert the following section:

"SEC. . TECHNICAL AMENDMENT CONCERNING TIME PERIOD FOR PAYMENTS TO CERTAIN LENDERS.

"Section 733(h)(2) of the Public Health Service Act (42 U.S.C. 294f(h)(2)) is amended by striking out "the eligible institution" and all that follows through the period and inserting in lieu thereof "the Secretary determines that the lender or holder has made reasonable efforts to secure a judgment and collect on the judgment entered into pursuant to this subsection.".

NOTICES OF HEARINGS

SUBCOMMITTEE ON AGRICULTURAL RESEARCH AND GENERAL LEGISLATION

Mr. LEAHY. Mr. President, I wish to announce that the Subcommittee on Agricultural Research and General Legislation of the Committee on Agriculture, Nutrition, and Forestry, will hold a hearing on July 20, 1989, on the "Scientific Base for Food Inspection." The hearing will be held at 9:30 a.m. in SR-332.

Senator THOMAS A. DASCHLE will conduct the hearing. For further information please contact Robert Wise of the subcommittee staff at 224-2321.

Mr. President, I wish to announce that the Subcommittee on Agricultural Research and General Legislation of the Committee on Agriculture, Nutrition, and Forestry, will hold a hearing on July 27, 1989, on the funding of agricultural research. The hearing will be held at 10 a.m. in SR-332.

Senator THOMAS A. DASCHLE will conduct the hearing. For further information please contact Robert Wise of the subcommittee staff at 224-2321.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that the full Committee on Energy and Natural Resources will add the nomination of Harry M. Snyder to be Director of the Office of Surface Mining Reclamation and Enforcement, to a previously scheduled nomination hearing.

The hearing will take place Tuesday, July 18 at 9:30 a.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

For further information, please contact Nancy Blush at (202) 224-3606.

Mr. President, I would like to announce for the public that a legislative hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Friday, July 21, 1989, beginning at 9:30 a.m. in room 366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on Senate amendment No. 100, the Prince William Sound Oil Spill Emergency Act of 1989.

Those wishing to submit written testimony should address it to the Committee on Energy and Natural Resources, room 364 Dirksen Senate Office Building, Washington, DC 20510.

For further information, please contact Patricia Beneke of the committee staff at (202) 224-2383.

Mr. President, I would like to announce for the public that a legislative hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Monday, July 24, 1989, beginning at 2 p.m. in room 366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on Senate amendment

No. 229, the Gulf of Mexico Oil Spill Prevention and Response Act.

Those wishing to submit written testimony should address it to the Committee on Energy and Natural Resources, room 364, Dirksen Senate Office Building, Washington, DC 20510.

For further information, please contact Patricia Beneke of the committee staff at (202) 224-2383.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on July 12, 1989, at 9 a.m. to hold a hearing on the nomination of Janice Obuchowski to be Assistant Secretary of Commerce for Communications and Information.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SUPERFUND, OCEAN AND WATER PROTECTION AND THE SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Subcommittee on Superfund, Ocean and Water Protection and the Subcommittee on Environmental Protection, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, July 12, beginning at 9:30 a.m., to conduct a hearing on coastal research and protection legislation, including S. 587, S. 588, S. 1178, and S. 1179.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, July 12, 9:30 a.m., to consider the following Department of Interior nominations: Martin Allday to be Solicitor; Lou Gallegos to be Assistant Secretary, Policy, Budget and Administration; Stella Guerra to be Assistant Secretary, Territorial and International Affairs; and Constance Harriman to be Assistant Secretary, Fish and Wildlife, and Parks.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, July 12, 1989, at 2 p.m., to hold a closed markup on the fiscal year 1990-91 Intelligence Authorization.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COURTS AND ADMINISTRATIVE PRACTICE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Subcommittee on Courts and Administrative Practice of the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, July 12, 1989, at 2 p.m., to hold a markup on S. 84, S. 396, and S. 594.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PATENTS, TRADEMARKS, AND COPYRIGHTS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Subcommittee on Patents, Trademarks, and Copyrights of the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, July 12, 1989, at 10 a.m., to hold a hearing on S. 1271 and S. 1272.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMMUNICATIONS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Communications Subcommittee of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on July 12, 1989, at 10 a.m., to hold a hearing on S. 707, the Children's Television Act of 1989, and S. 1215, the Children's Television Education Act of 1989.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, July 12 at 9 a.m. and 2 p.m. in executive session to mark up S. 1085, the Department of Defense authorization bill for fiscal years 1990-91; to receive a report from the Senate Select Committee on Intelligence; and to possibly act on certain pending military nominations and other nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

ENVIRONMENTAL AND ENERGY STUDY CONFERENCE ELECTIONS

● Mr. GORE. Mr. President, I rise as Senate Chairman of the Environmental and Energy Study Conference to announce the election of the study conference's executive committee for the 101st Congress. Eight of us in the Senate and 21 House Members have been elected to 2-year terms.

The executive committee is the governing body of the study conference, the largest legislative service organization in Congress. This year a record 90 Senators and more than 275 House Members subscribe to the study conference's services.

Through its publications such as the Weekly Bulletin and Special Reports, the conference provides us with objective analysis of all of the environmental, energy, and natural resources issues we face. The conference also serves as a forum for Senators and House Members to discuss these issues. It does not take political positions.

Its services have made the conference a highly valued congressional resource. In fact, the report by the Center for Responsive Politics on its survey not long ago of Senators, Representatives, and staff on the effectiveness of Congress stated, "When asked about the quality of caucus information, one organization, the Environmental and Energy Study Conference, was singled out for so much praise it required a separate catergory of its own."

The executive committee will meet shortly to elect officers from its ranks and set the conference's priorities for the next 2 years. Our goal in setting those priorities will be to anticipate the needs of the Nation and the direction of the environmental, energy, and natural resources debate in the coming 2 years.

Those needs were never greater. Not only do we find domestic environmental problems ever more complex, but global environmental alarms have begun to sound with increasing frequency.

Environmental, energy, and natural resources are being recognized as integral to such critical issues as international competitiveness and national security.

As these issues require our increased attention, the executive committee will be working closely with the conference staff to ensure the Senate continues to receive the information it needs to stay ahead of developments.

Those who have been elected to serve on the executive committee for this Congress are: Senators RUDY BOSCHWITZ, JOHN H. CHAFEE, CHRISTOPHER J. DODD, WYCHE FOWLER, Jr., PATRICK LEAHY, JOHN MCCAIN, CLAIBORNE PELL, and myself.

In the House, Representatives ANTHONY C. BEILENSON, GEORGE E. BROWN, Jr., JIM COOPER, PETER A. DEFAZIO, HARRIS W. FAWELL, HAMILTON FISH, Jr., STEVE GUNDERSON, JIM KOLBE, BOB LIVINGSTON, BILL LOWERY, EDWARD R. MADIGAN, JAN MEYERS, FRANK PALLONE, PETER SMITH, GERRY E. STUDDS, MIKE SYNAR, BRUCE F. VENTO, ROBERT E. WISE, Jr., HOWARD WOLPE, and RON WYDEN will serve.●

THE FOUNDING OF CALIFORNIA'S TABLE GRAPE INDUSTRY

● Mr. WILSON. Mr. President, I am proud to announce that this year, 1989, commemorates the 150th anniversary of the founding of California's table grape industry. Recognizing the great protential of California's climate, pioneer William Wolfskill, a Kentucky trapper and Santa Fe Trail scout during California's Mexican colonial period, launched this important industry in 1839.

Today California's commercial table grape industry is a vital part of our agri-business economy. By supplying over 50,000 farm-related jobs and creating an annual retail revenue of over $1.1 billion, it has established a progressive track record in raising the standard of living for both workers and growers.

California is the Nation's largest supplier of table grapes, providing more than 97 percent of the entire crop of commercially grown table grapes consumed in the United States. In addition, California's export sales of table grapes are continuing to make a greater contribution toward the balancing of U.S. trade.

Like Mr. Wolfskill before him, today's California table grape grower is a sturdy and industrious individual, whose hard work and commitment to a quality, wholesome product underlies the growth and strength of the industry.

I would like to commend the significant contribution the table grape industry has made to California's economic and cultural growth over the past 150 years, and to congratulate the many individuals who continue to contribute to this success.●

STEEL TRANSPORTERS SUPPORT VRA EXTENSION

● Mr. HEINZ. Mr. President, I want to take this opportunity to acknowledge the support which steel transporters have expressed for the extension of the voluntary restraint agreements. For many of the companies who have written me, the steel industry accounts for well over 50 percent of their business. As one company wrote, "When U.S. steel does well, we do well." Transportation is only one of the many sectors of our economy that strongly support continuation of the successful program to rescue our steel industry from unfair trade practices.

On September 30, the voluntary restraint program expires. Although the transportation industry is, on the whole, a larger more diversified sector than any of its counterparts in steel affiliated businesses, it is severely affected by those factors which have an impact on the steel industry. Therefore, numerous trucking and barge companies have demonstrated their support for VRA extension and the domestic steel industry.

The transportation companies who wrote me generally attribute the pre-VRA steel decline to the following unfair practices: First, the enormous foreign government subsidies that have perpetuated structural world excess capacity in steelmaking; and second, the widespread dumping of foreign steel in the U.S. market.

The term "unfair" makes manifest the disparity between government treatment of steel in other countries as compared to the United States. Most of our competition comes from industries that are subsidized by their respective governments. The transporters, like the rest of the steel industry, are not asking for government financial support; they are asking for a level playing field. They are seeking to make the business fair.

Renaissance takes a long time in this cyclical, capital intensive industry. In the previous 5 years, a turn-around has begun. We need 5 more years to secure the gains that have been made.

Mr. President, I ask that a selection of the letters I received be printed in the RECORD.

The letters follow:

OLIVER TRANSPORTATION, INC.,
Mexico, MO, April 27, 1989.

Hon. JOHN HEINZ,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR HEINZ: I write on behalf of my company and our 453 employees in support of the extension of the steel Voluntary Restraint Arrangements (VRAs). Our company initially supported the intent of the VRA and continues to follow the Steel Industries progress with the arrangement in place. Oliver Transportation, a small company in Mid-Missouri, depends on the commerce developed by our Nations steel industry. Located in the refractory capitol of the country, we provide the steel manufactures with a vital product.

With VRAs due to expire in September of 1989, we strongly feel that prompt action to extend this program for a five-year period is critical for the domestic steel industry's further restructuring and modernization. We view VRA renewal as the key step by government to ensure that the domestic steel industry's progress in reinvestment, improved productivity and overall efficiency continues uninterrupted.

As you know, the condition of the domestic steel industry sharply deteriorated over many years as a result of growing foreign government intervention in steel industries abroad and resulting massive foreign unfair trade practices. Such practices were pervasive when the VRA program was instituted in 1984 and they continue today. We must restrain the widespread dumping of foreign steel in the U.S. market.

We strongly believe that VRA extension is critical to the long term sustained recovery of the American Steel industry from one of the worst depressions in its history. Most importantly, the U.S. Steel industry is just beginning its recovery, and continued support of the VRAs will ensure that this progress continues.

As a key investment in America's future, we respectfully urge your support for the extension of the steel VRA program. Thank you for your prompt consideration of this issue.

Sincerely,

VINCE GARUFI.

PGT TRUCKING, INC.,
Industry, PA, April 12, 1989.

Hon. JOHN HEINZ,
U.S. Senator, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR HEINZ: I write on behalf of my company and our employees in support of extension of the Voluntary Restraint Arrangements (VRA's). PGT Trucking, Inc. is a truckload motor carrier that generated approximately $35,000,000 in revenues in 1988, approximately 85% from the domestic steel industry.

Prompt action to extend this program for a five-year period is critical for the domestic steel industry's further restructuring and modernization and is the key step by government to ensure that this industry's progress continues in the areas of: Reinvestment, improved productivity, and overall efficiency.

The domestic steel industry has sharply deteriorated over many years as a result of growing foreign government in steel industries abroad and resulting massive unfair trade practices. Such practices continue today and include:

The enormous foreign government subsidies that have perpetuated structural world excess capacity in steelmaking, and

The widespread dumping of foreign steel in the U.S. Market.

We strongly believe VRA extension is critical to the long-term sustained recovery of the American steel industry, and support of the VRA's will ensure this continued progress.

As a key investment in America's future, we respectfully urge your support for extension of the steel VRA program and thank you for your prompt consideration of this important issue.

Sincerely,

PATRICK GALLAGHER.

INGRAM BARGE CO.,
Nashville, TN, April 12, 1989.

Hon. JOHN HEINZ,
Committee on Finance, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR HEINZ: It is my understanding that the Voluntary Restraint Arrangements (VRAs) on behalf of the American steel industry are due to expire in September of 1989. On behalf of Ingram Barge Company and our seven hundred employees, I wish to express support for the extension of the import steel Voluntary Restraint Arrangements. Ingram Barge Company is the third largest diversified water carrier in the United States and has a strong association with basic industry in America, including the steel industry. The majority of our fourteen hundred barges and forty-nine line haul towboats are heavily dependent upon the basic industry of this country and, particularly, the steel industry maintaining its viability.

We strongly urge prompt action to extend the program for a five year period, which should allow the recently emerging domestic steel industry to restructure and modernize their facilities. To discontinue, what has begun as a very effective program for corrections, would appear to be very inconsistent at this time. Though not the sole cause, the condition of the domestic steel industry deteriorated over many years as a result of

massive foreign unfair trade practices supported by a foreign government intervention in the steel industry. Those practices were the cause of the VRA Programs institution in 1984 and those practices continue even today.

We believe that the steel industry is a key investment in America's future and an absolute necessity for the continued well being of its populace. Thank you very much for your consideration of my comments on this issue.

Very truly yours,

PETER E. RUMSEY.●

THE 50TH ANNIVERSARY OF PAN AMERICAN WORLD AIRWAYS' TRANSATLANTIC SERVICE

● Mr. MOYNIHAN. Mr. President, something singularly important in air travel occurred on June 28, 1939. On that day, a Pan American World Airways Boeing B314 called the Dixie Clipper successfully completed passage across the Atlantic. The historic flight took 29 hours and 20 minutes from Port Washington, Long Island, in New York to Lisbon, Portugal. There were 22 passengers on board and a crew of 12. That was 50 years ago.

Mr. President, this feat was possible due to the brilliance of two Americans, namely Pan Am's founder Juan T. Trippe and Charles Lindbergh, who aided Pan Am in developing these first flights over the North Atlantic. The success of these voyages was also due, in no small part, to the ingenuity and dedication of other members of the Pan Am Organization who were responsible for building airport facilities, developing navigational aids and tracking these air vessels on their voyages.

Now, a half century later, Pan Am brings Americans to the major capitals of Europe on a daily basis. Pan Am has also developed regular transport to Eastern Europe, to Warsaw, Prague, Leningrad, and continues to provide a link to East Berlin. In fact, Pan Am has developed a nonstop route between New York and Moscow through a joint venture with Aeroflot Soviet Airlines. In this manner, Soviet citizens are brought to this country just as Americans are able to travel to the Soviet Union. This service provides an important link between these two nations at a time of more openness and is tremendously valuable.

I am proud to say that Pan Am's headquarters—one might say their home—is in New York. The airline has, of course, helped maintain New York's position and role as a gateway to the Nation. But, in a tangible way, Pan Am has played a part in a world that is growing smaller—smaller in the sense of being more familiar and more connected. In this, they have contributed to greater international understanding.

Mr. President, I congratulate Pan Am, as I am sure my colleagues do, on the 50th anniversary of their transatlantic air service. If in 50 years air travel can reach such success, one is awed by what new heights might be reached in the next 50.●

PRESIDENT BUSH IS PLAYING STRAIGHT ON CLEAN AIR

● Mr. DURENBERGER. Mr. President, today the Washington Post and New York Times ran stories implying that the President was pulling back from the commitment that he made a few weeks ago to cleaning up the Nation's air. The President will be sending the Congress a clean air bill soon and according to these two newspapers the text of the bill will not live up to the promises he made when he announced his clean air plan in June.

In particular, the Post says that the bill is weaker on air toxics because it includes a loophole in the definition of best available control technology. The supposed loophole is the phrase "taking into account energy, environmental, and economic impact and other costs." That's a quote from the Post article quoting the President's bill.

This is a subject I know something about. I am the author of toxics legislation that has been introduced here in the Senate. My bill, S. 816, was cosponsored by 12 of our colleagues on the Environment Committee. I consider it to be a very strong bill to control toxic air pollution. But it also includes words in a very similar vein in its definition of "best available control technology." S. 816 allows energy, economic and other environmental factors to be taken into account when establishing the definition of best technology to control toxic pollutants.

But I am not the original author of these words. They were taken from the Clean Air Act as it is currently written. The Clean Air Act already contains a definition of best available control technology. It is section 169(3). It says that the Administrator may take into account "energy, environmental, and economic impacts and other costs" when determining what is best available control technology for a particular facility. Section 169 is in another part of the law dealing with air pollutants other than toxic pollutants. We borrowed the concept from that other part for the air toxics program because it had worked so well in this other area.

So the language which the Washington Post says creates a loophole in the President's program is language which is already in the Clean Air Act used in precisely the same way. And it is language already introduced on a bipartisan basis in the Senate in a strong bill to control air toxics. To accuse the President of backsliding for using the language which has always defined best technology is unreasonable and unfair. I might say that this same language is replicated in the Clean Water Act for the best technology control program authorized there.

I am sure that I will have differences with the President's clean air legislation. And I will express them strongly in the committee deliberations and here on the floor. But I believe that President is performing a great service for the Nation by being out in front on these air pollution problems and proposing a cleanup. We have demonstrated over the past decade that it is not possible for the Congress to pass a clean air bill without Presidential leadership. We need the President on this issue and whatever our differences on specifics, we owe him some thanks for his personal efforts.

The Post article was put out there to cast a cloud over the President's bill. That is unfortunate. And, as those of us who spend a great deal of time on this issue can tell you, it is also misleading. The so-called loophole in the President's air toxics program has always been part of the definition of "best available control technology."

Mr. President, I would ask that a copy of the article from the Post be included in the RECORD with my comments today.

The article follows:

[From the Washington Post, July 12, 1989]

CLEAN AIR PROPOSAL WEAKENED

(By John Lancaster)

President Bush's plan to clear the skies of smog, acid rain and other pollution has been weakened in several key areas since he unveiled the proposal a month ago, according to a draft of the legislation.

Since Bush announced his proposed revisions to the Clean Air Act, the administration has relaxed standards for controlling the emission of toxic chemicals and pollutants that cause acid rain.

Bush's original proposal, for example, called for requiring companies to control toxic air pollutants with "the best technology currently available."

But a draft of the legislation, which administration officials hope to complete within several days, modifies that standard, requiring polluters to reduce emissions to levels "typically achieved by the best-performing similar sources taking into account energy, environmental and economic impact and other costs." The language appears to open a loophole for subjective judgments by enforcers of the law.

In an attempt to curb acid rain caused by emissions from midwestern utilities, Bush promised last month to cut annual sulfur dioxide levels by 10 million tons and nitrogen oxide levels by 2 million tons.

But while the new sulfur dioxide standards will be based on 1980 emissions, the draft legislation says that the nitrogen oxide reduction will be based on levels projected for the year 2000. Bush's original proposal, outlined in a 14-page summary that accompanied his announcement last month, made no mention of that difference.

In addition, the original proposal of a 10 million-ton reduction in sulfur dioxide emissions is cut to 9 million in the draft, on the grounds that sulfur dioxide emissions from

industrial sources such as smelters already have dropped by a million tons since 1980.

"It is a major weakening from what his speech promised," said David Hawkins, an attorney for the Natural Resources Defense Council, which like many environmental groups had greeted Bush's original proposal with guarded optimism. "His draft retreats in major respects from each of the key programs that he promised to deal with in strong fashion."

Rep. Henry A. Waxman (D-Calif.), chairman of the House Energy and Commerce subcommittee on health and the environment and author of separate clean-air legislation, said the draft "is a far cry from the aggressive control requirements that will be needed to deliver on the president's commitment."

He added, "Within the administration, the pro-environmental forces seem to be losing ground."

Environmental Protection Agency officials denied that the draft departs substantially from the president's proposal, and accused their critics of distorting minor technical changes for political purposes.

"I think it will reflect the letter and spirit of the president's fact sheet and speech," said William Rosenberg, assistant EPA administrator for air and radiation. "The president pretty well discussed exactly what he wanted to do and we're trying to conform to that."

Bush's plan to renew the nation's principal air pollution bill has been the subject of continuing, high-level negotiations among the White House, the Office of Management and Budget and the EPA.

Industry groups have lobbied vigorously against some portions of the legislation, which the administration plans to present to Congress July 21. Within the last few days, EPA officials defeated an attempt by some administration officials to renege on a commitment to reduce nitrogen oxide emissions from automobile exhaust, sources said.

Bush's original proposal appeared to signal a crackdown on companies that emit toxic chemicals believed to cause cancer and other health problems, stating that "EPA would set a standard based on the best technology currently available."

But Hawkins, who held the job of assistant EPA administrator for air during the Carter administration, said the standard proposed in the draft legislation is a "watered-down definition . . . deliberately drafted to require EPA to set weak technology requirements."

Hawkins also questioned the Bush administration's commitment to reducing acid rain. "They're playing all sorts of games with this," he said of the draft legislation plans to cut sulfur dioxide and nitrogen oxide.

Hawkins suggested that nitrogen oxide reductions pegged to the year 2000 could well be erased by emission gains in the interim. Nitrogen oxide emissions "may be as much as 2 million tons more in 2000," he said. "Then a 2 million ton reduction would be no reduction at all."

In the summary of Bush's original proposal, the figures were simply added "for a total reduction of 12 million tons in acid rain-causing emissions."

Rosenberg denied that there was any attempt to conceal the fact that nitrogen oxide reductions would be pegged to the year 2000. Any attempt to calculate the reduction otherwise, he said, "would raise the cost of this bill dramatically."

On pollution-control technology for toxic chemicals, Rosenberg said the administration had always meant to allow for consideration of cost and other factors. "This is absolutely what we intended all along."

And Rosenberg defended the administration's decision to count past reductions in industrial sources of sulfur dioxide toward the 10 million-ton goal set for the year 2000. "Our assumptions are credible and will achieve the reduction," he said.●

TV MARTI

● Mr. LIEBERMAN. Mr. President, as one of the original cosponsors of the Senate bill to authorize TV Marti (S. 375), I have followed with great interest the development of a television broadcast service to Cuba. Together, TV Marti and Radio Marti would be a powerful antidote to Fidel Castro's steady stream of propaganda.

The Voice of America, and its Director, Richard W. Carlson, are working hard to make TV Marti a reality. I would like to share with my colleagues Mr. Carlson's June 13 op-ed in the Miami Herald, which effectively makes the case for the TV Marti service.

The article follows:

[From the Miami Herald, June 13, 1989]

NEWS OF TV MARTI—BREAKING FIDEL CASTRO'S INFORMATION MONOPOLY

(By Richard W. Carlson)

The Voice of America (VOA) is only a few months away from the first broadcast of TV Marti, the proposed television service to Cuba. Last year Congress provided $7.5 million to run a 90-day test broadcast of news, information, and entertainment programs. If the test proves successful, Congress and the Administration have proposed $16 million a year to fund TV Marti.

The reason for TV Marti is simple. We believe that the Cuban people have a right to see and hear information denied them by their own government. In a recent speech, President Bush described TV Marti as a way to "break the monopoly on information that Castro has held for 30 years."

As glasnost spreads in the Soviet Union and Eastern Europe, as millions in China seek democracy, Fidel Castro's Cuba remains impermeable to reform. Political dissent still leads to prison. Freedom of expression in nonexistent. The Castro government has a firm grip on all newspapers, magazines, radio, and television. The only uncensored, non-ideological information available to the 10 million people of Cuba comes from outside the island, much of it from Radio Marti, the surrogate station run by the VOA.

VOICES OF AMERICA STANDARDS

TV Marti will be Radio Marti with pictures. Its accurate balanced news and information will meet the highest VOA standards. If TV Marti is only half as successful as Radio Marti, it will fulfill its mandate. After four years on the air, Radio Marti, has become the most popular radio station in Cuba.

That a U.S. Government station, broadcasting from studios in Washington, has twice the audience of the next-most-listened-to station in Cuba is a testimony of Radio Marti's credibility and to the hunger of the Cuban people for uncensored information. When asked to explain the rise of a courageous human-rights movement in such a tightly controlled society, Cuban dissident Richardo Bofill said, "It's quire simple. It can be traced to May 20, 1985, when Radio Marti went on the air."

Like the television proposal, Radio Marti initially received a hostile reception from some in the U.S. media and Congress. Before Radio Marti started broadcasting, news stories warned of U.S./Cuban "radio wars" and military conflict. Editorials called Radio Marti "the dumbest idea since the Edsel" and "a meritless redundancy." Critics claimed that the station would be the mouthpiece of ideologues and anti-Castro Cuban refugees in Florida. They said that it would mire in Cuban-exile politics. Today, these same people praise Radio Marti and recognize the broadcasts for what they are: a demonstration of America's commitment to the free flow of information and an intellectual lifeline for millions.

TV Marti is surely the most closely watched television startup ever. Six Government agencies, six congressional committees, the National Association of Broadcasters, private consultants, and other interested parties are all keeping an eye on the gestation and birth of TV Marti.

SAFEGUARDS AGAINST INTERFERENCE

So too are the Cuban people. Cubans are eagerly purchasing videotapes and saving for VCRs to tape TV Marti programs, including American movies and entertainment shows. This may not be motivated solely by optimism, but perhaps by a desire to avoid the wrath of neighborhood watchdogs for the Defense of the Revolution and to be able to tape TV Marti for discreet, late-night viewing.

Every possible safeguard will be taken to prevent interference with existing U.S. and Cuban TV stations. As a precaution, Congress is expected to provide funding to compensate U.S. broadcasters in the event that either TV Marti or Fidel Castro interferes with domestic stations. It is interesting to note that the apocalptic vision of widespread Cuban retaliation against Radio Marti—which pundits predicted in 1985—never materialized. In fact, no compensation claims were filed with the FCC for Cuban interference that occurred after Radio Marti went on the air.

No doubt Havana's agitation over TV Marti can be traced to Castro's respect for the medium's power to help shape opinion—especially when TV brings unsettling images of democracy and free expression. Should Castro attempt to jam or disrupt TV Marti, he will vividly demonstrate to the world Cuba's flagrant disregard of the basic rights of its people.

NO MIRACLE SOLUTION

TV Marti is no miracle solution to the repression and fear in Cuba. But, as Ed Murrow said, "No computer clicks, no cash register rings when a man changes his mind or opts for freedom. . . . [A]bove all, it is what we do, not what we say, that has the greatest impact overseas."

By extending to Cuba our respect for intellectual freedom, the United States again exposes the hypocrisy of Castro's 30-year dictatorship. The success of Radio Marti proves that we can do it calmly and reliably, TV Marti will go one step further, using the most powerful medium ever developed.●

CONGRESSMAN ROHRABACHER ON SCIENCE

● Mr. KASTEN. Mr. President, we too often forget that the key to progress in any society is freedom of inquiry—the unlimited liberty of the human intellect to discover and understand truths, and to use these truths to improve the life of the community.

This principle is as true of political science as it is of the natural sciences. Democracy and capitalism work because they are based on the truth about man—a truth that we rediscover whenever men and women are left free to work and create and build their own futures.

A society based on democratic capitalist principles, therefore, is the greatest possible catalyst for scientific inquiry. Our truth-seeking spirit forever pushes the boundaries of science to explore what they can yield for the spiritual and material benefit of man.

A recent article in the Milwaukee Journal by our distinguished colleague, freshman Congressman DANA ROHRABACHER of California, expresses this fundamental truth with great clarity. I call it to the attention of all Senators—and I ask that it be included in the RECORD.

The article follows:

[From the Milwaukee Journal, June 22, 1989]

COLD FUSION ATTEMPT CONTINUES NOBLE LINEAGE OF SCIENCE

(By Dana Rohrabacher)

Every great idea has three stages of reaction: 1) It won't work. 2) Even if it works, it's not useful. 3) I said it was a great idea all along.—Arthur C. Clark.

It has been almost three months since two obscure chemists at the University of Utah held a press conference to announce that they had found something truly incredible in their test tube. Their reported discovery of cold fusion, if accurate, would usher not only science but all aspects of modern life into an era of growth and improvement that mankind has not experienced since the Industrial Revolution.

Not everybody was happy with the news.

The vehemence with which B. Stanley Pons and Milton Fleischmann were denounced in the scientific community, the ferocity of attack on their work, as well as on their personal styles and motivations, surprised everyone. Well, that is, everyone who hasn't taken a look at the history of science.

History records that Copernicus was so afraid of reaction to his novel theory—the Earth revolves around the sum—that he kept silent about it until he lay on his death bed.

People refused to look through Galileo's powerful telescope, so strong was their fear of having to change their world view. Galileo himself stood trial for heresy and was forced publicly, on the threat of death, to recant his theories.

As recently as 1956, the Astonomer Royal of England scoffed at space travel as "utter bilge." The next year, the Soviet Union launched Sputnik.

So, some of us were not surprised at the recriminations that deluged the two poor chemists.

The high priests of physics were annoyed with the scientists' method of public announcement.

For all of the pencil-jabbing and eraser-throwing, and even after the discouraging words from Britain last week, we still don't know whether Pons and Fleischmann have discovered a key to the universe or not. All we know is that what is at stake for many people is their view of the world. For petty people wtihout vision, such stakes make for anger and fear.

There are other stakes involved as well. Many scientists and researchers envision losing their life's work—and their federal grants—to the discovery of cold fusion in Utah. Fundamental change is, more often than not, uncomfortable. Federally subsidized science, which is by its very nature based on accepted premises, and which has as much interest in justifying its own expense as in discovering "truth," seems to have stoked the coals of this controversy and added to the discomfort.

This is not to say that Pons and Fleischmann have indeed discovered cold fusion in their laboratory. Actually, having heard their testimony before the Science, Space and Technolgy Committee of the House, and having followed the controversy, I'd give them somewhere around a 50% chance of being vindicated someday.

Whether or not such vindication emerges in time, let's give Pons and Fleischmann a chance for now. They have done nothing wrong, and they well may have accomplished something that will benefit every human being on this planet, forever. Our world needs such people who are willing to look where others refuse and to step before us with brave new ideas.

If cold fusion does fly, Pons and Fleischmann will be remembered as men who changed the course of human history. If cold fusion turns out to be a workable mistake, well, let's remember Pons and Fleischmann as two men who excited our imaginations for a while and who reminded us that we should not discourage pursuit of scientific knowledge, even if it flouts conventional wisdom—even if it is done without the benefit of a federal grant.●

TWENTY-FIVE YEARS OF FEDERAL MASS TRANSIT ASSISTANCE

● Mr. DIXON. Mr. President, 25 years ago this week President Lyndon Baines Johnson signed into law the Urban Mass Transportation Act of 1964, the most important mass transit legislation in the history of the United States.

Failing private transit companies and increased urban transit needs brought about this law, and over the last 25 years it has served us well. Last year alone, 92,000 buses, trains and other vehicles and 275,000 transit workers provided nearly 9 billion passenger-rides through federally assisted mass transit.

Americans have come to depend on public transit for access to their jobs, for shopping, and for day-to-day chores. Most importantly, we have come to equate mass transit with the freedom to come and go as we please, wherever and whenever we want to go.

Mass transit can provide answers to gridlock on our highways and streets, to pollution problems and to economic development, and I believe that should be our goal for the end of this century.

Today, Americans can take pride that they have the best transportation in the world, and there is better yet to come.●

ADDITIONAL COSPONSOR OF S. 375

● Mr. HOLLINGS. Mr. President, I ask that the distinguished junior Senator from Ohio [Mr. METZENBAUM] be added as a cosponsor of S. 375, a bill I introduced on February 8, 1989, to provide for television broadcasting of accurate information to the people of Cuba. We now have 36 sponsors of the bill which has been included as title VII of the Foreign Relations Authorization Act for Fiscal Year 1990, S. 1160, as reported by the Committee on Foreign Relations on June 12, 1989. Earlier on April 12, the House of Representatives enacted H.R. 1487 which also includes a $16,000,000 authorization for TV Marti for fiscal year 1990.

Mr. President, I ask that a complete listing of the cosponsors of S. 375 be printed in the RECORD.

The list of cosponsors follows:

COSPONSORS FOR TV MARTI BILL S. 375

Mr. Hollings, Mr. Graham, Mr. Mack, Mr. Lautenberg, Mr. Kasten, Mr. Lieberman, Mr. Pressler, Mr. Reid, Mr. Bryan, Mr. Bentsen, Mr. Biden, Mr. Nickles, Mr. Simon, Mr. Symms, Mr. McConnell, Mr. Boschwitz, Mr. Dole, Mr. Bradley, Mr. Humphrey, Mr. Robb, Mr. Lott, Mr. McClure, Mr. DeConcini, Mr. Breaux, Mr. Hatch, Mr. Coats, Mr. Rockefeller, Mr. Wilson, Mr. Shelby, Mr. Gramm, Mr. Murkowski, Mr. Kerry, Mr. Armstrong, Mr. Simpson, Mr. Garn, and Mr. Metzenbaum.●

BUDGET SCOREKEEPING REPORT

Mr. SASSER. I hereby submit to the Senate the latest budget scorekeeping report for fiscal year 1989, prepared by the Congressional Budget Office in response to section 308(b) of the Congressional Budget Act of 1974, as amended. This report was prepared consistent with standard scorekeeping conventions. This report also serves as the scorekeeping report for the purposes of section 311 of the Budget Act.

This report shows that current level spending is over the budget resolution by $3.8 billion in budget authority, and over the budget resolution by $1 billion in outlays. Current level is under the revenue floor by $0.3 billion.

The current estimate of the deficit for purposes of calculating the maximum deficit amount under section 311(a) of the Budget Act is $136.4 billion, $0.4 billion above the maximum deficit amount for 1988 of $136 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 11, 1989.

Hon. JIM SASSER,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1989 and is current through June 23, 1989. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the most recent budget resolution for FY 1989, H.Con.Res. 268. This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S.Con.Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, Congress has cleared and the President has signed P.L. 101-45, the Dire Emergency and Urgent Supplemental for 1989. This action increased the current level estimate of both budget authority and outlays.

Sincerely,

ROBERT D. REISCHAUER,
Director.

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 101ST CONG., 1ST SESS. AS OF JUNE 3, 1989

[Fiscal year 1989, in billions of dollars]

	Current level [1]	Budget resolution H. Con. Res. 268 [2]	Current level (+/−) resolution
Budget authority	1,235.8	1,232.1	3.8
Outlays	1,100.8	1,099.8	1.0
Revenues	964.4	964.7	−.3
Debt subject to limit	2,784.6	[3] 2,824.7	−40.1
Direct loan obligations	24.4	28.3	−3.9
Guaranteed loan commitments	111.0	111.0	
Deficit	136.4	[4] 136.0	[5] .4

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval and is consistent with the technical and economic assumptions of H. Con. Res. 268. In addition, estimates are included of the direct spending effects for all entitlements or other mandatory programs requiring appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] In accordance with section 5(a)(b) the levels of budget authority, outlays, and revenues have been revised for catastrophic health care (Public Law 100-360).

[3] The permanent statutory debt limit is $2,800,000,000,000.

[4] Maximum deficit amount [MDA] in accordance with section 3(7)(D) of the Congressional Budget Act, as amended.

[5] Current level plus or minus MDA.

PARLIAMENTARIAN STATUS REPORT, 101ST CONG., 1ST SESS., SENATE SUPPORTING DETAIL, AS OF CLOSE OF BUSINESS JUNE 23, 1989

[Fiscal year 1989, in million of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			964,434
Permanent appropriations and trust funds	874,205	724,990	
Other appropriations	594,475	609,327	
Offsetting receipts	−218,335	−218,335	
Total enacted in previous sessions	1,250,345	1,115,982	964,434
II. Enacted this session:			
Adjust the Purchase Price for Non-Fat Dry Dairy Products (Public Law 101-7)		−10	
Implementation of the Bipartisan Accord on Central America (Public Law 101-14)	−11		
Dire Emergency and Urgent Supplemental Appropriations, 1989 (Public Law 101-45)	3,493	1,023	
Total enacted this session	3,482	1,013	
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Dairy Indemnity Program	[1]	[1]	
Special milk	4		
Food Stamp Program	29		
Federal Crop Insurance Corporation fund	144		
Compact of free association	1	1	
Special benefits	37	37	
Payments to the Farm Credit System	35	35	
Payment to the civil service retirement and disability trust fund	(85)	(85)	
Payment to Hazardous Substance Superfund	(99)	(99)	
Supplemental Security Income	201	201	
Special benefits for disabled coal miners	3		
Medicaid:			
Public Law 100-360	45	45	
Public Law 100-485	10	10	
Family support payments to States:			
Previous law	355	355	
Public Law 100-485	63	63	
Total entitlement authority	926	747	
VI. Adjustment for economic and technical assumptions	−18,925	−16,990	
Total current level as of June 23, 1989	1,235,828	1,100,751	964,434
1989 budget resolution H. Con. Res. 268	1,232,050	1,099,750	964,700
Amount remaining:			
Over budget resolution	3,778	1,001	
Under budget resolution			266

[1] Less than $500,000.

Notes: Numbers may not add due to rounding.
Amounts in parenthesis are interfund transactions that do not add to budget totals.

BILL PLACED ON CALENDAR—H.R. 2848

Mr. KENNEDY. Mr. President, I ask unanimous consent that H.R. 2848, the Computer Matching and Privacy Act, be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 100-702, appoints the following individuals to the Federal Judicial Foundation Board: E. William Crotty, of Florida, for a term of 5 years, and the Honorable Richard Rosenbaum, of New York, for a term of 3 years.

DRUG ABUSE TECHNICAL CORRECTIONS ACT

Mr. KENNEDY. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 1426.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendments of the Senate numbered 6 and 7 to the bill (H.R. 1426) entitled "An Act to amend the Public Health Service Act to make technical corrections relating to subtitles A and G of title II of the Anti-Drug Abuse Act of 1988, and for other purposes.".

Resolved, That the House disagree to the amendments of the Senate numbered 1, 2, 3, 4, 5, and 8 to the aforesaid bill.

Mr. KENNEDY. Mr. President, this measure, the Drug Abuse Treatment Technical Corrections Act of 1989, makes conforming and technical amendments to the Public Health Service Act and other acts as amended in the Anti-Drug Abuse Act of 1988 and the Health Omnibus Programs Extension of 1988. The original version of this technical corrections bill was introduced in the House as H.R. 1426, and we received and passed it here in the Senate with several amendments on April 19, 1989. The House agreed to some of our amendments, did not agree to others, and sent the bill back to us on June 14.

We now propose to recede from the amendments that were rejected by the House because it is important that a number of purely technical changes in this bill be enacted in a timely fashion. The amendments that were not accepted by the House will be pursued in another legislative vehicle at a later date. In addition, we propose to add two more amendments which we expect to have the support of the other body. The first would amend the Public Health Service Act so that financial institutions that lend money to health professional students will be required to make a reasonable effort to collect from defaulting students before applying to the Government for reimbursement. At present, the secretary must process a payment to the institution within 60 days of a judgment that the student is in default. The second amendment would include schools of osteopathic medicine along with schools of medicine and industry as appropriate sites for community-based clinical trials for experimental treatments.

Final quarter 1989 moneys for existing federally funded drug programs cannot be distributed in the amounts intended by Congress until this technical corrections bill passes. We have already committed these resources, and should adopt this bill without further delay. I urge prompt passage of this legislation.

Mr. President, I ask unanimous consent that the Senate recede from its amendments Nos. 1, 2, 3, 4, and 5.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 249 TO SENATE AMENDMENT 8

Mr. KENNEDY. Mr. President, I ask unanimous consent that it be in order to amend Senate amendment No. 8,

and that in lieu of the matter proposed to be inserted by Senate amendment No. 8, I now send to the desk two amendments and I ask that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendments.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes amendments en bloc numbered 249 to Senate amendment 8.

Mr. KENNEDY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is as follows:

At the appropriate place, insert the following new section:

"SEC. . COLLEGES OF OSTEOPATHIC MEDICINE.

"Section 2313(c) of the Public Health Service Act (42 U.S.C. 300cc-13(c)) is amended by inserting "and osteopathic medicine" after "schools of medicine".

At the appropriate place, insert the following new section:

"SEC. . TECHNICAL AMENDMENT CONCERNING TIME PERIOD FOR PAYMENTS TO CERTAIN LENDERS.

"Section 733(h)(2) of the Public Health Service Act (42 U.S.C. 294f(h)(2)) is amended by striking out "the eligible institution" and all that follows through the period and inserting in lieu thereof "the Secretary determines that the lender or holder has made reasonable efforts to secure a judgment and collect on the judgment entered into pursuant to this subsection.".

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment (No. 249) to Senate amendment 8 was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. SIMPSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

REPEAL OF CERTAIN USES OF EXCESS CAMPAIGN CONTRIBUTIONS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 66, S. 326, a bill to repeal a provision allowing use of excess campaign contributions.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 326) to amend the Federal Election Campaign Act of 1971 to repeal a provision allowing use of excess campaign contributions.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. SHELBY. Mr. President, in the last few years, there has been considerable debate over the need to reform our campaign election system. While most Members will agree that some type of reform is warranted, we have been unable to reach a consensus over the best way to approach the problem.

The legislation which we are considering today presents an opportunity to move forward on this issue. S. 326 will close what has become a loophole in our campaign finance law by amending section 313 of the Federal Election Campaign Act to prohibit all Members of Congress from using campaign funds for personal use.

The law, as currently written, exempts those Members who were in office on January 8, 1980. This so-called grandfather clause exemption allows eligible Members or their estates to convert leftover campaign contributions to personal funds.

Under current law, leftover campaign funds may be used to defray expenses incurred as a Federal officeholder, or may be given to charitable organizations and national, State, or local committees of any political party. This money may also be given back to the donors or used for any other lawful purpose. However, those Members who qualify under the grandfather clause can use excess campaign funds in any manner they so choose, reaping a windfall at the contributors' expense.

A standing rule of the Senate, instituted in the late 1970's, also addresses the issue of use of political contributions. Senate rule No. 38 states that no contribution shall be converted to the personal use of any Member of the Senate or any former Member. However, the rule does not apply to a deceased Member's estate, and the enforceability of the Senate rule against former Members is subject to question.

This bill simply deletes the grandfather clause and thus amends the applicable portion of the existing statute to read "except that no such amounts may be converted by any person to any personal use, other than to defray any ordinary and necessary expenses incurred in connection with his or her duties as a holder of Federal office."

According to my estimate, this legislation will affect 191 House Members and 73 Members of the Senate, and I believe such action is long overdue. When donors contribute to a political candidate they do so with an understanding that their money will be used to further the candidate's campaign, not to augment his or her personal wealth. By prohibiting all candidates and their estates from converting campaign funds into personal funds, S. 326 will effectively return our campaign contribution system to its original intent.

Currently, nearly $39 million is held in the campaign treasuries of the 190 exempt House Members. As the campaign war chests continue to grow, the temptation is even stronger to take the money and run. Campaign funds have even been referred to as personal retirement accounts for an eligible Member.

Since the Senate standing rule that prohibits any conversion of campaign funds for personal use does not have the full force of law, I believe this legislation is necessary to remove the grandfather clause and thus the potential for abuse.

Mr. President, the Committee on Rules and Administration has already held a hearing on this bill, and on May 18 reported the bill unanimously out of committee.

Puolic office is a trusteeship—and is not a means to accrue personal wealth. As one of the 73 Senators who would be affected by the enactment of this legislation, I am pleased to take this initial step toward restoring integrity to our Federal election campaign system.

Mr. President, I ask unanimous consent to print in the RECORD editorials from papers across my State in favor of eliminating this loophole, as well as a January Congressional Quarterly article citing instances of abuse.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Montgomery (AL) Advertiser, Feb. 6, 1989]

ROCKING CHAIR FUNDS

One of the beneficial results of the flap over whether Congress will get a 50 percent pay raise is proposed legislation to close an eight-year-old campaign finance loophole.

Part of the price of passing a 1980 campaign bill was a provision which allows members of Congress who were in office before 1980 to convert their campaign warchests to their personal use after they leave office, a sort of "rocking chair fund" to help the lawmakers in retirement.

In short, if a senator or House member elected prior to 1980 wants to retire, there is nothing in the law to keep him or her from walking away from Washington with whatever campaign contributions are on hand. Some House members have in excess of $1 million. Some senators, whose campaigns are more expensive, hold more than $2 million.

Alabama got an example of the loophole when the late U.S. Rep. Bill Nichols, D-Sylacauga, died in December. His campaign account held more than $400,000. Staff members say the bulk of that money will be transferred to the congressman's widow and distributed as part of his estate.

Three members of the Alabama House delegation, including U.S. Rep. Bill Dickinson, R-Montgomery, are eligible for the loophole windfall. Dickinson has $435,996, U.S. Rep. Ronnie Flippo, D-Florence, has socked away $811,380, and U.S. Rep. Tom Bevill, D-Jasper, has $515,438.

Rules of the U.S. Senate forbid personal use of campaign funds, but whether the rule could apply to former senators is uncertain. Both of Alabama's senators could take advantage of the loophole. U.S. Sen. Howell Heflin, D-Tuscumbia, could take $488,911 with him if he retired. U.S. Sen. Richard

Shelby, D-Tuscaloosa, has $382,506 in his campaign account.

So Sen. Shelby deserves special commendation for introducing legislation which would bar all eligible members of Congress from taking advantage of the potentially lucrative loophole when they leave office.

At stake is a large amount of money. The 190 House members and 73 senators who were in office before 1980 have reported campaign contributions on hand of more than $61 million. That's an average of $224,000 per House member and $341,000 per Senate member.

Sen. Shelby is absolutely correct when he says that donors do not contribute to a candidate in an attempt to enrich the candidate, but rather to help a specific campaign. To turn campaign contributions into personal income invites a perversion of the process which eventually will allow the wealthy to purchase the best Congress money can buy.

Congress can end the embarrassment by passing the legislation which Sen. Shelby has introduced. It should do so quickly.

[From the Montgomery Advertiser, Apr. 13, 1989]

DARK SHADOW

Recently public opinion forced Congress to back away from a proposed pay raise. An outgrowth of the furor over that proposal was a bill designed to close an eight-year-old loophole in congressional campaign finance regulations.

U.S. Sen. Richard Shelby, D-Ala., in an attempt to improve the image of Congress, introduced a bill to prevent senators and representatives who were in office on Jan. 8, 1980, from converting campaign contributions to their personal use when they leave office.

The proposal would affect 73 of 100 senators and 190 of the 435 House members. Total funds affected are more than $600 million. Some representatives hold more than $1 million in campaign funds. Some senators hold more than $2 million.

The issue was brought home for Alabamians following the death of U.S. Rep. Bill Nichols, D-Sylacauga, in December. His campaign fund held more than $400,000 at that time, and his former staff members say most of that money was distributed to his estate.

On Wednesday, Sen. Shelby urged the Senate Rules Committee to approve his bill to stop conversion of campaign funds. Although Sen. Shelby may hold the largest personal fortune of any member of the Alabama delegation. If approved, his proposed legislation would dip into his own pocket and those of four Alabama legislative colleagues to the tune of $3 million.

At the end of 1988, campaign finance reports showed that Sen. Shelby had stockpiled in his campaign account $462,478. U.S. Sen. Howell Heflin, D-Tuscumbia, and U.S. Reps. Bill Dickinson, R-Montgomery, Tom Bevill, D-Jasper, and Ronnie Flippo, D-Florence, would lose substantial sums if Sen. Shelby's bill is passed. Rep. Dickinson's campaign holds $421,368, Sen. Heflin has collected $810,958 and Rep. Bevill has $513,647 in contributions.

"Public office is a trusteeship, and is not a means to accrue personal wealth. As one of the 73 senators who would be affected by the enactment of this legislation, I am pleased to take this initial step toward restoring the integrity of our federal election campaign system," Sen. Shelby said.

Rules of the Senate adopted 10 years ago forbid personal use of campaign funds by current or former senators. But whether that rule would apply with the force of law to former members is uncertain. Sen. Shelby's proposed law would end that ambiguity.

To continue to allow members of Congress to turn contributions into retirement funds casts a dark shadow on congressional integrity. Sen. Shelby's bill should be adopted as soon as possible.

[From the Alabama Journal, Apr. 14, 1989]

ROCKING CHAIR FUNDS

Congressmen galore, stung by a strident and widespread public outcry, have been trying their best to disavow any connection with the recently defeated congressional pay raise. That ill-conceived attempt by congressmen to line their own pockets at taxpayers' expense called attention to an 8-year-old loophole in congressional campaign finance rules.

Now U.S. Sen. Richard Shelby, D-Ala., is attempting to close that loophole. Sen. Shelby has introduced a bill to prevent senators and representatives who were in office on Jan. 8, 1980, from converting campaign contributions to their personal use when they leave office.

The proposal would affect 73 of 100 senators and 190 of the 435 House members to the combined tune of more than $60 million. Some represenatives hold more than $1 million in campaign funds and some senators more than $2 million.

Alabamians may have noted that following the death of U.S. Rep. Bill Nichols, D-Sylacauga, in December, perhaps as much as $400,000 in campaign funds was distributed to his estate.

Sen. Shelby is pushing the bill to stop conversion of campaign funds to personal use even though his own campaign fund holds more than $460,000.

It remains to be seen whether his proposal will be supported by the rest of Alabama's congressional delegation. Those affected would be U.S. Sen. Howell Heflin, D-Tuscumbia, who has a $818,054 balance at present, and U.S. Reps. Bill Dickinson, R-Montgomery, with $421,368; Tom Bevill, D-Jasper, with $513,647; and Ronnie Flippo, D-Florence, with $810,958.

"Public office is a trusteeship, and is not a means to accrue personal wealth. As one of the 73 senators who would be affected by the enactment of this legislation, I am pleased to take this initial step toward restoring the integrity of our federal election campaign system," Sen. Shelby said.

He is right, and the rest of the Alabama congressional delegation should get behind his effort to eliminate what has become rocking chair funds for many veteran lawmakers.

Such pass-through loopholes would allow unscrupulous congressmen to take large donations—supposedly for campaign purposes—from those with interests in legislation. Then the lawmakers could leave the money in their rocking chair fund and to convert to their personal use later. In other words, it could be a legal conduit for taking a bribe.

And even when the purpose of lawmakers is not so corrupt, when Alabamians donate to the campaigns of candidates for Congress, they do so expecting the money to be used for the candidates' political races, not to pad their retirement accounts.

Sen. Shelby's bill should pass, and every Alabama senator and representative should work to see that it does.

[From the Birmingham News, Apr. 15, 1989]

CONGRESSIONAL ENRICHMENT

People donate money to a political candidate to help him get elected to office, not to fill his pocketbook. Sen. Richard Shelby is absolutely right when he says members of Congress should not be allowed to turn their campaign war chests into personal retirement accounts.

Federal law prohibits such conversions for members elected after 1979, but anyone who was in office on Jan. 8, 1980, is exempt.

Shelby, first elected to Congress in 1978, has introduced legislation to remove that "grandfather" clause and make all members live by the same rules. This week, he urged a Senate committee to approve that bill.

Although a Senate rule already prohibits members of that body from converting campaign accounts to personal use when they retire from the Senate, Shelby said enforcement of that rule is subject to question. Without a law on the books, how could the Senate force someone who is no longer a member to abide by its rules?

Shelby, who moved from the House of Representatives to the Senate in 1986, is one of 73 senators and 190 House members, including five Alabamians, who would be affected by the change.

"When donors contribute to a political candidate, they do so with an understanding that their money will be used to further the candidate's campaign, not to augment his or her personal wealth," Shelby said. That, understanding should be expressed in the law.

[From the Birmingham Post-Herald, Mar. 17, 1989]

CAMPAIGN FUND ABUSES

Did supporters contribute to Sen. Timothy Wirth's campaign so he could take his wife to a football Super Bowl? Or to Sen. Larry Pressler's so he could stuff a goose to hang in his office? Or to Sen. Daniel Inouye's so he and friends could dine regularly in cozy Capitol Hill restaurants?

These and other questionable expenditures, reported recently in The Washington Post, are further evidence of a need to tighten rules on the use of campaign funds. But no one should hold his breath waiting for Congress to do it.

The Federal Election Commission used to make random audits of how members of Congress spent the money. No longer. An FEC spokesman said the agency stopped the practice in 1979 after Congress said, "Don't do them anymore."

Last year, Hawaii Democrat Inouye's campaign fund paid more than $14,000 for restaurant meals for the senator and others. An aide explained that Inouye "doesn't particularly relish social events at his home," so he chooses to entertain campaign supporters or out-of-town officials at restaurants. Question: Where is it written that such entertaining at home is a legitimate campaign expense?

South Dakota Republican Pressler at least acknowledged that his goose stuffing was a turkey. After inquiries were made, an aide said the senator personally reimbursed his campaign kitty for the $226 stuffing charge.

Wirth's campaign fund doled out $1,805 for the Colorado Democrat's wife to join him at the 1987 Super Bowl. An aide defended the expenditure on grounds the game presented a good opportunity for "schmoozing" with potential fund-raisers.

Some members used campaign money to lease automobiles for driving to and from work. Several used the funds to make dona-

tions to charities, colleges, private foundations and to other people's political campaigns.

A former Democratic House member, William Boner, now mayor of Nashville, reportedly used his campaign fund to acquire more than $200,000 worth of property.

Then there's a rule that allows members elected before 1980 to put leftover campaign funds directly into their pockets when they leave Congress. A new regulation prohibits members elected since then from doing that, but the old-timers were "grandfathered" in when the rule was changed.

But it's obvious that new members, as well as the grandfathers, have been creative in finding ways to benefit personally from campaign contributions.

Did someone say Congress needs a pay raise?

[From the Congressional Quarterly, Jan. 21, 1989]

LOOPHOLE LETS EX-MEMBERS CASH IN ON WAY OUT

(By Chuck Alston)

William Carney called it quits in 1987 after four terms in the House. But the Committee to Re-Elect Congressman Carney continued operations until last March 31, when it wrote two final checks: $899.68 to the bookkeeper and $83,695.63 to William Carney.

The conservative Long Island Republican now works part time with a Washington lobbying firm, and he won't discuss how he's used his leftover campaign money. Nor need he.

Carney holds membership in one of Congress' most elite groups: former members permitted by a combination of House rules and federal law to do what they please with their excess campaign funds.

These members have converted to personal use at least $862,000 since the practice was outlawed for new members in 1980, a review of federal campaign records by Congressional Quarterly shows.

More than $710,000 of this was in cash. Another $115,000 was either borrowed or used to retire personal loans unconnected to their former campaigns. At least $37,000 went to buy cars, furniture, travel and other gifts or services.

This offers only a glimpse at what the future could hold. A rising tide of political action committee (PAC) money is flowing into the campaign coffers of senior House members, putting more money than ever at the disposal of those exempt from the prohibition against personal use of campaign funds.

Exempt retirees who have left Congress since 1980 have access to more than $2 million in leftover campaign funds. Most of it—$1.5 million—is controlled by members whose service ended with the 100th Congress.

Moreover, the campaign treasuries of the 191 exempt members serving in the 101st Congress held nearly $39 million after the November election.

This unique form of potential individual retirement account is certain to come under scrutiny as the 101st Congress focuses on issues of money and ethics, from matters of pay and honoraria to lobbying and campaign finance. Three bills that would repeal the exemption were introduced during the session's first two days. (*Legislative outlook, p. 106; honoraria, p. 111*)

The exemption arises from a 1979 election law that bars personal use of excess campaign funds, except by grandfathered members—those who were in office on Jan. 8, 1980, even if they left and returned later. Under House rules, these members can't make personal use of the money until they leave Congress. Once they disclose its conversion to personal use, their reporting obligations end, although it is considered taxable income. Senate rules flatly prohibit personal use by members past or present.

The loophole has drawn criticism since its inception, especially from senators. "It is not public policy, it is private policy," Sen. Warren B. Rudman, R-N.H., vice chairman of the Ethics Committee, lamented to the Senate in 1988.

A reform lobby has sprung up within the issue's primary constituency: the grandfathered House members. "I think it is one of the worst things we have in terms of public image because there is just no way you can justify it," says Rep. Dan Glickman, D-Kan. Wisconsin Democrat David R. Obey adds: "Frankly, I'm tried of the reputation this institution gets when we allow practices like this to continue."

The ultimate use of excess money originally donated for campaign and political expenses presents a thorny question for ex-lawmakers who were big fund-raisers. Members have used it to buy cars, travel, fight criminal charges, and make charitable and political donations. Some bank it, and others even include it in their estate planning.

One option is giving it back to contributors. Harley O. Staggers, D-W.Va. (1949-81), returned $59,322.50; William M. Brodhead, D-Mich. (1975-83), refunded $72,579. Former Sen. Russell B. Long, D-La. (1948-87), gave back more than $360,000 to contributors on a prorated basis.

PAC managers often express indifference to the eventual use of their contributions. But groups like Common Cause, the self-described citizens' lobby, complain that campaign money shouldn't become deferred compensation.

"Money contributed to political campaigns is supposed to be spent for politics," Obey says. "Candidates are their own best judge of what constitutes a political expenditure, but I do know that it is not a political expenditure to contribute it to my estate when I leave this joint."

PERSONAL PROPERTY

As campaign treasuries have grown, so, too, has speculation about how much the exempt retirees have taken. To find out, Congressional Quarterly examined the campaign records of more than 150 exempt House members who ended their service with substantial amounts of cash since the grandfather clause took effect.

Carney's was the largest conversion of campaign cash to personal use on record with the Federal Election Commission (FEC) as of Jan. 17. But David R. Bowen, D-Miss. (1973-83), in a report due by Jan. 31 to the FEC, is expected to show an amount approaching or surpassing Carney's. (*Bowen, p. 109*)

The will of former Rep. John J. Duncan, R-Tenn. (1965-88), who died of cancer June 21, 1988, illustrates the extent to which members have viewed campaign funds as personal property. The ranking Republican on the House Ways and Means Committee, Duncan specified in his will that his campaign funds—$604,521 in four accounts—be split among his wife and four children. Duncan had raised $175,000 in 1987 alone.

The estate of James J. Howard, D-N.J. (1965-88), chairman of the House Public Works and Transportation Committee, received $310,000 in campaign funds after he died March 25, 1988.

Not even defeat is certain to drain a campaign kitty of its retirement potential—despite the cardinal political rule against losing with money in the bank.

Fernand J. St Germain (1961-89), for one, spent $261,160 on radio and television advertising in losing his House seat but still had $248,367 in cash as of Nov. 28, according to FEC records. The Rhode Island Democrat and former Banking Committee chairman is eligible to use this excess as he wishes.

Although St Germain's campaign sputtered at its end under allegations that he took favors from the thrift industry, a homestretch fund-raising drive that lobbyists characterized as aggressive could still prove lucrative. He solicited PACs and executives in the insurance, real estate and financial services industries for $83,700 of the $173,451 he reported raising from Oct. 1 to Nov. 8.

"We'll probably use it for charitable or political purposes," St Germain says of his excess funds, adding that he spent all he could trying to win. "In a market such as Rhode Island, there is just so much [television and radio] time you can buy."

The largest campaign kitty of the 1989 House retirees belongs to Gene Taylor of Missouri. The backslapping Republican who spent most weekends in his Ozark Mountain district left the House with $457,939, according to his 1988 year-end FEC report.

First elected in 1972, Taylor kept a low profile as ranking member on the Post Office and Civil Service Committee and a member of the Rules Committee. His campaign treasury is earning interest at a rate of more than $30,000 a year. He did not return phone calls to his office seeking information on his money. But in a year-end interview with the Kansas City Times, the former Ford dealer said "serving in Congress has been a personal drain on me and I may convert some" of the money to personal use as well as give some to charity.

THIS IS MY RETIREMENT ACCOUNT

A grandfathered member with 20 years of service who left after the 100th Congress would be eligible at age 50 for a $42,028-a-year pension had he participated in the contributory retirement program. Some grandfathered members who have left the House view their campaign treasuries as a rainy-day fund that can be tapped before retirement age arrives.

Former member Bowen sees an ethical problem only if "somebody knows that he's going to retire from Congress and if that person goes around and hits people and the PACs up for large contributions".

Even if they don't do this, some members clearly look to their campaigns for pension planning.

"I know a couple of members who have told me flatly, 'This is my retirement account,'" says Al Swift, D-Wash., chairman of the Elections Subcommittee of the House Administration Committee.

Swift declines to name them. One, he says, called his campaign money his "just deserts" for earning a relatively low congressional salary. Other members who, like Swift, have sponsored legislation to repeal the grandfather clause tell similar stories.

The $38,905,195 in the campaign coffers of the 191 exempt members of the 101st Congress averages out to $203,692 each. Not all members are equal, though, when it comes to raising money, and the actual balances

range from deep indebtedness to more than $1.1 million.

Most exempt Members with large treasuries cite concerns more immediate than retirement, saying that the money is stockpiled to prevent the unanticipated retirement of defeat.

The largest post-election war chest among exempt House members, $1.17 million, belongs to Stephen J. Solarz, 48, a New York Democrat who has long professed fears of a millionaire opponent or redistricting problems when New York loses seats after the 1990 census. The second largest, $1.04 million, belongs to Dan Rostenkowski, 61, the Illinois Democrat who chairs the influential Ways and Means Committee. He calls the money insurance against opposition for a seat that is generally considered safe.

Rounding out the top five were Ronnie G. Flippo, 51, D-Ala. $811,379, who serves on Ways and Means and is thought to harbor ambitions for the governor's office; Matthew J. Rinaldo, 57, R-N.J., $757,226, who faced a wealthy opponent in 1982 and has since emphasized his fund raising; and James H. Quillen, 73, R-Tenn., $714,450, the ranking Republican on the Rules Committee.

Several directors of large political action committees pointed in interviews to Quillen as the most assertive fund-raiser of this quintet, unabashed and relentless in his pursuit of campaign money. He garnered 80 percent of the vote in November and hasn't fallen below 60 percent since 1976.

A millionaire in his own right, Quillen in December 1985 donated $200,000 in campaign funds to endow a chair named for his wife at the Quillen-Dishner College of Medicine at East Tennessee State University, named partially for him. Quillen did not return phone calls seeking an interview about his campaign funds.

Where announced plans vary among the 100 Congress' retirees with large amounts of cash. Samuel S. Stratton, D-N.Y. (1959–89), with $192,006 as of his Sept. 30 report, didn't return phone calls requesting information. Peter W. Rodino Jr., D-N.J. (1949–89), with $42,965, plans to make charitable donations, a spokesman said. Delbert L. Latta, R-Ohio (1959–89), with $123,061, is planning to "stay active in politics" and make donations to Republican candidates, a spokeswoman said. Ed Jones, D-Tenn. (1969–89), with $140,010, hasn't decided.

Robert E. Badham, R-Calif. (1977–89), announced his plans not to seek re-election on Jan. 3, 1988. Before January ended, he spent $769 in campaign funds to repair a car purchased by his campaign.

Badham's other 1988 disbursements through July 31, all described as "political," included: more than $2,500 for his wife to accompany him to a NATO conference; $1,036 to entertain constituents at The Ritz, a restaurant in Newport Beach, Calif.; $612 for opera tickets; $572 to the U.S. Treasury to cover his wife's expenses on an Armed Services Committee trip to the Far East; $204 for "political attire" at Today's Man and $646 for formal wear for his wife.

Badham plans to spend his leftover funds for "traditional political purposes—contributions to candidates and for his own entertaining for political people," said Paul J. Wilkinson, his spokesman, who added, "What he calls political, someone else may not."

"I CAN'T REMEMBER"

Samuel L. Devine, 73, a former FBI agent and 11-term Republican representative from Ohio, now retired in Naples, Fla., lost his 1980 re-election bid with $33,800 in cash left over.

"If it was given for a political purpose, it probably ought to be used for a political purpose," Devine said when asked recently how congressmen should dispense with such monies.

That is what he did as his funds earned interest for six years, doling out political contributions while leaving the campaign's principal largely untouched. But in June 1986, the Devine for Congress Committee wrote its last check—for $29,713—to Devine.

What was the money for?

"Jeez, I can't remember," Devine says.

Mendel J. Davis, D-S.C. (1971–81), closed out his committee by forgiving a $20,000 loan made to him, paying $453 to move his furniture and writing checks to himself for the cash balance of $22,047, money he has said he used to pay for back surgery.

In 1981, his first year of retirement, Ray Roberts, D-Texas (1962–81), spent $2,903 to purchase office equipment and to travel. He also wrote himself checks for $13,014. Roberts told U.S. News & World Report: "I took it, I'm happy I got it and I wish it had been more."

Federal law doesn't require a complete accounting of how an exempt ex-member uses the money or closes his account, just the name of the recipient and a mention of the purpose. Members in office since the early 1970s have not always had to meet even this requirement. Rather, they had only to answer the following question on their initial registration form: "In the event of dissolution, what disposition will be made of residual funds?"

"There probably won't be any residual funds," James M. Hanley, D-N.Y. (1965–81), wrote on his registration form in 1972. His committee, however, closed out business on Dec. 30, 1980, with $29,406.89 on hand. It wasn't until August 1983, in response to an FEC inquiry, that Hanley told the commission staff the committee had formally shut down.

"The bulk remains on deposit," Hanley says.

When he decided not to seek reelection, Texas Democrat Richard C. White (1965–83) told the *Dallas Morning News* in 1981 that he would make "a public use" of the more than $50,000 in his campaign treasury after consultation with his supporters. A better indicator was his statement that he was leaving Congress after nine terms because of financial pressures.

White's final report in July 1984 logged a $40,808.26 payment to himself. A note attached to the report explained that the money was "utilized to pay for moneys borrowed for living expenses while in the U.S. Congress.

The committee of John Brademas, D-Ind. (1959–81), the majority whip who lost reelection in 1980, took steps to make sure his actions weren't misinterpreted. The treasurer inserted a one-page statement in the final FEC report that said Brademas' last $10,681 "will be donated to charitable, educational or similar institutions . . . and none of such funds will be used to defray expenses incurred in connection with any individual's duties as a holder of federal office."

LOANS, LAWYERS, PARKING FINES

FEC records also note these uses of funds:

Ken Holland, D-S.C. (1975–83), who chose not to run for reelection in 1982, returned $25,435 to contributors and then, in January 1983, lent himself $75,000. The committee continues to carry the debt and files reports twice a year on its $7,477 cash balance. There is no requirement that he repay the loan.

William C. Wampler, R-Va. (1953–55, 1967–83), who lost re-election in 1982, lent himself $15,100 during 1983. He later paid back $1,000, which the committee turned into a political donation. He also spent $5,593 in campaign funds to buy and repair furniture in 1983.

L.H. Fountain, D-N.C. (1953–83), rode into retirement in a Cadillac for which his committee kicked in $13,820, part of the $14,880 it spent on gifts for the L.H. Fountain Appreciation Fund.

Paul Findley, R-Ill. (1961–83), who lost reelection in 1982, took $40,000 out of the Paul Findley Public Service Fund in December 1983. Findley's committee continued to operate in 1988, with more than $12,000 on hand.

Jack Hightower, D-Texas (1975–85), lost his seat in the 1984 election with about $17,000 left over. He spent $11,911 for personal computer equipment and travel.

Sam B. Hall Jr., D-Texas (1976–85), a former lieutenant governor who traded his House seat for a federal judgeship, once spent more than $2,600 in campaign funds to purchase .22-caliber Browning rifles as gifts for 10 of his Democratic House colleagues. After he assumed the judgeship, Hall added $58,433 in campaign cash to his extensive holdings in oil, real estate and stock. Hall didn't return phone calls seeking comment.

Majorie S. Holt, R-Md. (1973–87), who decided not to run for reelection in 1986, doled out campaign contributions to fellow Republicans and then in July 1987 gave herself the remaining $60,743 in cash.

A $499 hearing aid was among the items purchased with campaign money by Clarence D. Long, D-Md. (1963–85), after his 1984 defeat. He spent $3,197 for furniture and equipment and $16 to pay a parking fine. He also wrote himself a check for $15,200.

Bill Boner, D-Tenn. (1979–87), continued to raise campaign money through his federal account after he resigned from the House in October 1987 to become mayor of Nashville, Tenn. In 1988 he spent $292,453 on legal fees stemming from an investigation into his finances by the House ethics committee and the Justice Department. The ethics committee, in a letter written to Boner in December 1987, said it considered the legal fees a political, not personal, use of the money because they arose from Bonner's duties as a House member.

GIVING TO CHARITIES

Some members give their excess funds to charity. Manuel Lujan Jr., R-N.M. (1969–89), President George Bush's nominee for interior secretary, soon after announcing his retirement from the House, established the Excellence in Education scholarship for high-school students, using $117,243 in campaign funds.

Colleges and Universities were the beneficiaries of $40,000 from Charles Whitley, D.N.C. (1977–87); $41,507 from Jack Brinkley, D-Ga. (1967–83); $100,000 from Don Fuqua, D-Fla. (1963–87); and $110,000 from Richard H. Ichord, D-Mo. (1961–81).

Eldon Rudd, R-Ariz. (1977–87), added $150,000 to the endowment of Students in Free Enterprise. He used $3,754 to buy computer equipment and put his balance, $53,835, into the Eldon Rudd Fund.

"It was for the benefit of winding down my campaign, my office and to pay the income tax on this fund for over a year,"

Rudd said. "Winding it all down is a real pain in the neck. You have to have CPAs go over whatever you are doing, then you are thumb-tacked with IRS. One IRS item took over a year to settle the darn thing. There are letters, phone calls, and I needed some office space for a while."

Other former members operate their political committees much as PACs except for the most part they are taking contributions. Some contrast their committees to PACs, enabling them to raise and distribute contributions in $5,000 amounts, up from $1,000, while continuing to defray their own political expenses.

Gene Snyder, R-Ky. (1963-65, 67-87), continues to run Citizens for Snyder as a political committee. He had made $10,054 in political contributions as of his most recent report last June. His charitable contributions had included $469 to renew his subscription to the Actors Theater, and $390 for steeplechase tickets to benefit the Kentucky Opera Association. He also had paid about $50 a month to keep his dues at Louisville's private Jefferson Club current and occasionally used the fund for meals, gas and credit card bills.

Last July, Snyder had $189,438 left drawing interest at more than $10,400 a year. He did not return phone calls seeking to discuss his funds.

Among those who formed PACs were former Speaker Thomas P. O'Neill Jr., D-Mass. (1953-87), the Democratic Candidates Fund; former Reagan administration budget director David A. Stockman, R-Mich. (1977-81), the Free Enterprise Fund; Larry Winn Jr., R-Kan. (1967-85), the Jayhawk PAC; and Clair W. Burgener, R-Calif. (1973-83), the Golden State Fund.

SENATE BANS PERSONAL USE

Senate rules bar personal expenditures, although it is often difficult to distinguish between the personal and political expenses of former senators.

One former member, Harrison A. Williams Jr., pocketed $65,781.21 in June 1982, three months after the New Jersey Democrat resigned from the Senate and more than a year after his conviction on federal charges stemming from the FBI's Abscam investigation.

The Senate can sanction former members only by removing certain privileges, like access to the floor and the dining room. A spokesman for the Select Ethics Committee said no senator had ever been sanctioned for violating Senate rules on the subject.

The Senate leaves the distinction between personal and political expenses largely to the senator and notes that the ban does "not include reimbursement of expenses incurred by a member in connection with his official duties."

The line federal election law draws isn't much sharper. For members who aren't grandfathered, excess funds may not "be converted by any person for any personal use, other than: to defray any ordinary and necessary expenses incurred in connection with his or her duties as a holder of federal office, or to repay to a candidate any loans the proceeds of which were used in connection with his or her campaign."

FEC spokesman Fred Eiland said he knew of no formal complaint ever filed alleging improper use of funds by a former member, grandfathered or not.

As for taxes, the IRS does not care about House or Senate rules. A committee must pay income tax at the corporate rate on investment earnings. Amounts converted to personal use are taxed as personal income. FEC records and interviews reveal that the IRS has queried some members about their funds.

IRS regulations state that excess campaign funds are considered personal unless the person controlling the funds "within a reasonable period of time" gives the money to charity, other political organizations or to the government; or holds the money "in reasonable anticipation" of using it for future tax-exempt political activities.

What's political? "All activities that are directly related to and support the process of influencing" elections, according to IRS regulations.

What's reasonable? "That's not defined," said Wilson Fadley, an IRS spokesman.

PETER A. PEYSER: NO APOLOGIES

Peter A. Peyser, who lost his 1982 re-election bid, makes no bones about why he took $12,000 leftover campaign funds in 1983. "Those funds were used to support, frankly, me and my family," Peyser recalled in a recent interview.

Peyser, the former mayor of Irvington, N.Y., was a member of Congress on Jan. 8, 1980, and thus he was permitted under a grandfather clause in federal law to keep his excess campaign funds.

Peyser ran again in 1984 and lost, but in doing so he discovered "a strange quirk nobody had anticipated." Because he had been a member on that date in 1980, he could have kept leftover money from his second campaign, the Federal Election Commission ruled in response to his inquiry. But the point turned out to be moot, since he spent all the money from his last campaign.

Brash and often outspoken, Peyser was first elected in 1970 and served as a Republican member until 1977. He lost a bid for the GOP Senate nomination in 1976 and returned to the House in 1979 as a Democrat. He once offered an amendment to deny a pay raise to any member who voted against it.

Before going to Congress, Peyser was "quite successful" as a life insurance executive, he said. "I thought I had accumulated a reasonable amount of money."

As a member, he earned an average of $46,000 a year from 1971-83, he said. But his savings ran headlong into inflation and the cost of maintaning two residences.

"With five kids in college—and they went to nice, inexpensive schools like Skidmore, Harvard, Williams, Mount Holyoke and Colgate—I started with a 7½ percent mortgage and ended up with 15½ percent after re-mortgaging three times and literally going through everything."

Peyser, 67, is now senior vice president for marketing at a real estate investment-management firm.

Of late, he has enlisted in the battle to win higher pay for members, volunteering his services to Rep. Vic Fazio, D-Calif, a leader of the pay-raise fight.

"I didn't have a real handle on the expense of being in Congress. Nobody understands that until they understand what rent is there."

A MINORITY OF MEMBERS CAN KEEP FUNDS . . . BUT THEY OCCUPY KEY POSITIONS IN HOUSE

On paper, it looks simple. There are 435 House votes. Under federal election law, 191 members in the 101st Congress are eligible to pocket their excess campaign funds. This leaves 244 who can't.

As would-be reformers look to eliminate the privilege granted the 191, a 244-191 margin would appear to cut their way. But arithmetic is simpler than the politics: The 191 members include those with the most seniority—and—power—in the House.

This is the situation facing backers of legislation to repeal a provision in a 1979 law (PL 96-187) that, combined with House rules, "grandfathered" members of the House on Jan. 8, 1980, from a prohibition against converting their leftover campaign funds to personal use.

"Clearly, if you take post-1980 members, they are a majority. One would think they would vote for a repealer," says Bill Frenzel, R-Minn., who has introduced such legislation.

But, Frenzel acknowledges, "it may be there would be senior people of influence who would say, 'Don't mess with that.'" Rep. Al Swift, chairman of the House Administration Subcommittee on Elections, agrees: "The hostility of some more senior members is very strong."

Nonetheless, growing campaign surpluses have attracted new attention to possibly support for, repeal, says David R. Obey, D-Wis. And negotiations over a congressional pay raise and honoraria ban that have a Feb. 8 deadline could yield the opening.

Some members close to these negotiations say pressure is growing on the House Democratic leadership to include a measure to repeal the grandfather clause.

The issue does not, however, necessarily pit self-interested haves vs. reforming have-nots. Frenzel, Obey and Andrew Jacobs Jr., D-Ind.—all of whom are eligible to keep their campaign money—introduced separate bills (HR 171, HR 40, HR 198) to close the loophole on the first two days of the 101st Congress. Of Obey's 16 cosponsors, 11 also fall under the grandfather clause.

Obey says if the measure arrives on the floor for a vote, "I cannot imagine 50 people voting against it."

The trick is getting it to the floor. Swift hasn't been able to get such a bill out of his committee because he has lacked the votes. Frenzel said it is doubtful a repeal amendment would be considered germane under House rules on any but a broad elections bill. Thus, the leadership would have to take the lead in getting a waiver.

This legislation is not the kind that wins popularity contests among members. When Swift and Tom Tauke, R-Iowa, introduced such a bill in the 99th Congress, "neither of us could walk in our cloakrooms for a month," Swift quipped.

Obey has felt similar heat. "Some of the people here are mad as hell at me," he says.

And some of Obey's supporters prefer to stay out of the limelight for now, Obey asserted. "A lot of members won't put their names on the bill. They say, 'I don't want to antagonize people if it's a false start.' But, they'll say, 'If you get it to the floor. . . .'"

The three bills introduced thus far would eliminate the grandfather clause for good. But Swift says further compromise may be needed to win support. He proposes setting a date by which a member has the option to convert his money to personal use or else lose that right.

Senate rules prohibit personal use of excess campaign funds, and the Senate has tried to make the House play by its rules. The latest attempt came in April 1988, when Warren B. Rudman, R-N.H., attached a grandfather-clause repeal amendment to a bill regulating post-employment lobbying by federal officials. But the House dumped the Senate version for its own bill, and Rud-

man's amendment never made it to the House floor.

This House-Senate split has existed since the grandfather clause's inception in 1979. The Senate Rules Committee in July 1979 approved a provision that would have banned anyone, without exceptioin, from using campaign funds for personal use. The House followed in September with a measure that was silent on the personal use of campaign funds. *(1979 Almanac p. 559)*

The effect of the House version was to leave the matter entirely to each chamber's rule book. While Senate rules, now as then, bar the conversion of campaign funds to personal use by sitting and former members, House rules bar only the conversion by sitting members.

The chambers eventually arrived at the grandfather clause as a compromise "necessary to ensure passage of a bill which does bring many needed reforms," Sen. Mark O. Hatfield, R-Ore., told the Senate in 1979.

The law says that a member's excess campaign funds may be: 1) used to "defray any ordinary and necessary expenses incurred in connection with his or her duties as a holder of federal office"; 2) given to charitable organizations or to local, state and national party committees; or 3) used for any other lawful purpose.

The grandfather clause follows: "Except that, with respect to any individual who is not a senator or representative in, or delegate or resident commissioner to, the Congress on Jan. 8, 1980, no such amounts may be converted by any person to any personal use, other than to defray ordinary and necessary expenses in connection with his or her duties as a holder of federal office."

The law exempted the members not their cash. As a result, money subsequently raised by the exempt members is also exempt. What's more, the Federal Election Commission has held that a member who was in office on Jan. 8, 1980, could interrupt his House service, resume it later and convert to personal use funds raised during either tenure. He could also keep money raised in an unsuccessful later campaign.

Asked in 1979 why a total ban wasn't adopted, Frank Thompson Jr., D-N.J., chairman of the House Administration Committee, said, "We thought it would present too many problems. Some members have stashed money for campaigns, and other purposes. . . . They might have objected."

Thompson (1955-81) found his excess campaign funds useful. He was convicted in December 1980 in the FBI's Abscam investigation into congressional corruption. He spent his last $24,020.18 in campaign funds on legal fees in 1981.

House Members' cash on hand

[*Members in italics were not members on Jan. 8, 1980, and are not eligible to convert excess campaign funds to personal use*]

Rank:	[1] Cash
1. *David Dreier, R-Calif*	$1,244,729
2. Stephen J. Solarz, D-N.Y	1,169,371
3. Dan Rostenkowski, D-Ill	1,036,513
4. *Charles E. Schumer, D-N.Y*	826,980
5. Ronnie G. Flippo, D-Ala	811,379
6. *Mel Levine, D-Calif*	807,013
7. Matthew J. Rinaldo, R-N.J	757,226
8. James H. Quillen, R-Tenn	714,450
9. Robert T. Matsui, D-Calif	651,878
10. Bill Archer, R-Texas	637,808
11. Carlos J. Moorhead, R-Calif	619,378
12. Sam Gibbons, D-Fla	616,950
13. Larry J. Hopkins, R-Ky	604,822
14. Dante B. Fascell, D-Fla	[2] 602,696
15. Thomas S. Foley, D-Wash	582,766
16. William S. Broomfield, R-Mich	582,122
17. *Michael A. Andrews, D-Texas*	573,980
18. Doug Barnard Jr., D-Ga	527,726
19. Thomas J. Downey, D-N.Y	526,008
20. Tom Bevill, D-Ala	515,438
21. Norman F. Lent, R-N.Y	512,013
22. *Robert G. Torricelli, D-N.J*	507,795
23. Robert A. Roe, D-N.J	491,820
24. Marvin Leath, D-Texas	486,033
25. *Tom Lantos, D-Calif*	476,976
26. Brain J. Donnelly, D-Mass	468,720
27. Ed Jenkins, D-Ga	462,939
28. Edward J. Markey, D-Mass	451,852
29. Bob Whittaker, R-Kans	439,887
30. Jack Brooks, D-Texas	439,347
31. *Ron Wyden, D-Ore*	434,487
32. Bill Frenzel, R-Minn	433,959
33. John J. LaFalce, D-N.Y	424,831
34. William L. Dickinson, R-Ala	420,052
35. George Miller, D-Calif	411,195
36. Edward R. Madigan, R-Ill	401,707
37. Vic Fazio, D-Calif	396,323
38. Nick J. Rahall II, D-W.Va	386,112
39. Charles Rangel, D-N.Y	372,610
40. *Terry L. Bruce, D-Ill*	371,367
41. Charlie Rose, D-N.C	370,082
42. *John Bryant, D-Texas*	364,397
43. Bill Gradison, R-Ohio	359,747
44. Joseph M. McDade, R-Pa	352,106
45. Jamie L. Whitten, D-Miss	350,803
46. *Raymond J. McGrath, R-N.Y*	348,355
47. John Paul Hammerschmidt, R-Ark	339,849
48. Norman Y. Mineta, D-Calif	333,984
49. *Steny H. Hoyer, D-Md*	330,780
50. *Pat Roberts, R-Kans*	326,393

[1] Cash on hand Nov. 28, 1988.
[2] Last report available Oct. 19, 1988.

Source: Federal Election Commission, Nov. 28, 1988 reports.

DAVID R. BOWEN: WHY I KEPT IT

There was $87,078 cash in the Congressman Bowen Re-election Committee the last time it reported to the Federal Election Commission. The next report, due Jan. 31, will show a balance of zero.

The primary recipient; David R. Bowen.

Bowen, 56, a five-term Democrat from Mississippi, decided against seeking re-election in 1982. He waited until late last year to terminate his campaign fund, and then did so by giving himself the balance.

"I thought for several years after I left the House I might well make another political race, maybe a race for governor," Bowen said recently. "Of course I would have used it for that purpose had I done so. Also, along the way I made contributions to various candidates and causes, and so on and what not. . . .

"The decision really came to a head when [Sen. John C.] Stennis [D-Miss.] retired. I thought there was an outside possibility I'd make that Senate race. For a variety of reasons, I decided not to. I said if I am not going to run for anything else, I'm going to close" the account.

A former Rhodes scholar, Bowen taught political science and history in Mississippi colleges and worked in various government jobs before winning his seat in 1972. He went on to play a key role building a coalition of support for implementation of the Panama Canal treaties.

After leaving Congress, Bowen became a visiting professor at Mississippi State University. He recently moved back to Washington and is looking for a new job. He wrote a play, "The First Couple," produced last year by the Georgetown Workshop Theater.

Bowen dipped into the campaign funds for a total of $22,500 in 1984, to pay for him time and expenses as chairman of the Mississippi presidential campaign of Walter F. Mondale. The committee was later forced to pay back taxes on this money in 1986, as the Internal Revenue Service deemed this taxable personal income.

Once he decided to close the fund, Bowen considered returning the money. "Having a revolving fund over a number of years in Congress makes it nearly impossible to identify who should get what," Bowen said. And it would be difficult to find the contributors, he adds, noting that more than 6 years have passed since his last contribution.

"People gave because they believed in you. They gave voluntarily. And they do not ask to get it back," he says. "I think it's a fairly logical and ethical decision to use it for some other reason, rather than go through the labyrinth of trying to give it back."

As for keeping the money? "The ultimate question, at least one of the questions, is how ethically has it been handled? I think most members don't set out with any game plan to raise money for retirement.

"You might say Congress shouldn't have done that, that it was a loophole. As long as the law provides for it, and I'm eligible for it, I've never been able to see any reason why I shouldn't use the provision of the law so long as it is in my interest.

"If somebody knows that he's going to retire from Congress, and if that person goes around and hits people and the PACs up for large contributions knowing he's going to retire, that provides a substantial ethical question. I did not intend to retire. The Federal courts redistricted my State, and my district changed, and I made the decision not to run."

JOSEPH G. MINISH: 'I'M NOT HUNGRY'

Joseph G. Minish spent more than $337,000 in 1984 trying to hang onto New Jersey's 11th Congressional District. He lost. But he didn't reach for the $261,618 salve of leftover campaign funds.

"I'm aware it's there, but I'm not a hungry man. I never was," Minish explained recently.

By 1988, there still was $225,313 remaining in the campaign fund. Minish had converted none of it to personal use, although he did use its funds to pay for some political expenses.

Minish taps the fund on occasion to travel to Washington, to pay for a committee dinner, or to fill mailboxes with the annual Minish committee Christmas card. Expenses of this sort had accounted for $5,607 as of last June 30, the date covered by his latest report to the Federal Election Commission.

Minish had given $4,316 to charity, and paid $280 for tickets to a retirement dinner. He had sent Uncle Sam $11,517 for taxes, to cover his interest earnings—$62,711 at last count.

Minish, 72, is a former machine operator who worked his way up the organizational ladder in the International Brotherhood of Electrical Workers. After winning his House seat in 1962, he operated much like a ward politician at home. In Washington, he spent much of his time championing consumer issues.

Minish reserves his biggest spending for donations to other Democrats, among them New York Mayor Edward I. Koch and former Rep. Fernand J. St Germain, D-R.I., his one-time colleague on the House Banking Committee.

By last June 30, he had made $71,774 in political contributions. The largest was $29,694 to the Democratic Congressional Campaign Committee in 1985. He sent the Democratic National Committee $5,000 last May.

"We use a lot of it to help people," Minish said. "We don't buy cars, we don't buy dresses."

The size of his kitty attracts attention, even from a Republican like Evan Mecham, the former governor of Arizona. "Oh, do we get hit up!" Minish says. "Even the governor that was impeached, what's his name in Arizona, we got a letter from him. That's enough to make you convert a fund."

Mr. SHELBY. Mr. President, I ask unanimous consent that the names of Senators FOWLER, ROBB, and EXON, be added as cosponsors to this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 326

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 313 of the Federal Election Campaign Act of 1971 (2 U.S.C. 439a) is amended by striking out "except that, with respect to any individual who is not a Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of January 8, 1980," and inserting in lieu thereof "except that".

Mr. KENNEDY. Mr President, I move to reconsider the vote by which the bill was passed, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDERS FOR TOMORROW

RECESS UNTIL 9:45 A.M. AND RESUME PENDING BUSINESS

Mr. KENNEDY. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9:45 a.m., Thursday, July 13; that the time between 9:45 a.m. and 10 a.m. be equally divided between the two leaders; and that at 10 o'clock the Senate resume consideration of S. 358, the legal immigration bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9:45 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if the distinguished acting Republican leader has no further business, and if no Senator is seeking recognition, I ask unanimous consent that the Senate stand in recess under the previous order until 9:45 a.m., Thursday, July 13.

There being no objection, the Senate, at 7:43 p.m., recessed until Thursday, July 13, 1989, at 9:45 a.m.